

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58104 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- DINARA District- Rohtas

Santosh Yadav @ Santosh Kumar Yadav S/o- Shiv Pariksha Yadav Village-
Bhanas Ps- Dinara Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner apprehends his arrest in connection
with Dinara P.S. Case No. 146 of 2024 registered for the
offences punishable under Sections 147, 149, 341, 323, 307, 504
and 506 of the Indian Penal Code read with Section 27 of the
Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that his son Govind and Arvind Chaubey on 09.04.2024 on
request of Ramakant had gone to his *Khaliyan* for work, when
the accused persons came variously armed and Santosh
(petitioner) started assaulting his son by *lathi*, on alarm, when
informant reached the place of occurrence, it is alleged that



Rameshwar started firing, further the accused also assaulted villager Santosh by *lathi*, it is next alleged that Rameshwar had earlier shot his brother for which a criminal case has been instituted and the injured were taken to the hospital for treatment.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant does not allege that on which part of the body, the petitioner had assaulted Arvind (son of the informant). It is also submitted that from side of the petitioner Dinara Bhanas P.S. Case No. 147 of 2024 has been instituted against the side of the informant. It is further submitted that similarly situated co-accused Jalim Singh and Dharmendra Singh have been granted the privilege of anticipatory bail by this Court by an order dated 29.08.2024 in Criminal Miscellaneous No. 53875 of 2024.

5. Learned A.P.P. for the State, Mr. Rabindra Kumar, vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the case of the petitioner is not similar to the case of Jalim Singh and Dharmendra Singh. It is further submitted that no specific allegation of assault was



alleged against Jalim Singh and Dharmendra Singh, but then the informant specifically alleges that this petitioner assaulted his son Arvind by *lathi* causing injury. It is also submitted that informant may not have alleged that on which part of the body, his son was assaulted by the petitioner, but then from perusal of the order dated 29.08.2024, it would manifest that the injury suffered by Arvind was on nose and the injury was grievous. It is next submitted that nose is a vital part of the body. It is also submitted that Dinara Bhanas P.S. Case No. 147 of 2024 came to be instituted from the side of the petitioner by way of afterthought and as a counterblast to the instant FIR.

6. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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