

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61493 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- YADOPUR District- Gopalganj

Sanjay Yadav @ Sanjay Kumar, Male, aged about 34 years, Son of Jamdar Yadav @ Jamdar Chaudhari, Resident of Village- Hirapakad, P.S.- Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Yadopur P.S. Case No. 23 of 2024 instituted for the offences punishable under Sections 341, 323, 324, 307 and 34 of the Indian Penal Code.

3. As the prosecution case, FIR named accused persons along with the petitioner armed with *iron rod, danda, spear* and *hockey* stick came at the informant's house and started abusing and gave a *lathi* blow over the head of the informant causing heard injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. He further submits that the occurrence took place on 20.02.2024 and the FIR has been lodged on 22.02.2024 after a delay of about two days of occurrence but there is no any plausible explanation in this regard. He next submits that the specific allegation of posting photo of informant's sister on facebook is against Green Yadav and the allegation against the petitioner is of assaulting the informant using *danda* over his head. However, the doctor who has examined the informant has found lacerated wound on scalp of size 6 cm and 1 ½ cm and further opined the nature of injury to be simple in nature. He next submits that there is no allegation of giving repeated blow over the head of the informant against the petitioner. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR, injury report, case diary and also perused the impugned order dated 25.07.2024 passed by the learned learned Additional District and Sessions Judge-IX, Gopalganj, it appears that petitioner is named in the FIR. From perusal of the injury report, it also appears that there is lacerated wound on scalp of size 6 cum x 1 ½ cm, contusion on



left lower region of chest 5 cm x 2 cm and CT scan and the opinion of injury are simple in nature caused by hard and blunt substance. From perusal of the case diary, it also appears that the petitioner assaulted the informant using *danda* over his head which is vital part of the body and which may be dangerous for life.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, materials available in the case diary as well as injury report of the injured that the injuries are on vital part of the body, which may dangerous for life as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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