

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85096 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- BANKA District- Banka

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Lalu Yadav Son Of Ashok Yadav R/O Village- Majlishpur, P.S. And Dist.- Banka.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Dhananjay Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Raj Kishor Singh,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Banka P.S. Case No.368 of 2023 registered under Section
341, 323, 324, 308 and 379/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
is named in the FIR with an intention to kill the informant, has
caused two repeated knife blow injury on the head of the
informant.

4. Mr. Dhananjay Pandey, learned counsel appearing
on behalf of the petitioner submitted that the injury sustained by
the informant is simple in nature, as would appear from the
Impugned Order. The petitioner had snatched belongings of the

informant. The petitioner was employee of the company, run by the informant, namely Mahadev Enclave.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, allegation made in the FIR and the antecedent of the petitioner, it appears that the allegation is that of causing two repeated knife blow on the head of the informant. The observation made in the Impugned Order reveals that injuries are simple in nature. In absence of injury report, taking into consideration the nature of allegation made against the petitioner, it would be proper to direct the District Court to call for the case diary and after examining the nature of injury, whether the said repeated knife blow caused by the petitioner, is simple in nature, then in that case, the petitioner is directed to be released on bail.

(Purnendu Singh, J.)

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