

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85720 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- SONO District- Jamui

Vikash Yadav S/o Bahadur Yadav Resident Of Village -Tiliyadah, P.S.- sono,
District-Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bindhyachal Singh, Sr. Adv. Mr.Vipin Kumar Singh, Adv.
For the Opposite Party/s :		Mr.Uday Chand Prasad, APP Mr.Ugranath Mallik, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 Heard learned Senior Counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Sono P.S. Case No.105 of 2023, registered for the offence
punishable u/s 341, 323, 324, 307, 354(A), 379, 504, 506/34 of
the IPC.

3. Allegedly, the F.I.R. named accused persons including the
petitioner after forming an unlawful assembly came at the house
of the informant and started to assault the husband of the
informant. Petitioner is said to have assaulted the informant's
husband by means of sword on his head. It is further alleged that
the accused persons assaulted other family members of the
informant, when they came for rescue.



4. It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. It is submitted that there is a case and counter case between the parties. The father of the petitioner has earlier instituted a case against the informant's side, thereafter, the present case has been lodged by the informant. Further there is an inordinate delay of two days in filing the F.I.R. by the informant without giving any plausible explanation, which itself creates doubt about the prosecution case. It is lastly submitted that the injury report has not corroborated the prosecution case, as the Doctor has found lacerated wound which has been caused by hard and blunt substance whereas in the F.I.R., it has been alleged that the petitioner has assaulted the informant's husband by means of sword, which can cause sharp cut injury. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and the injury of the injured was found grievous in nature.

6. Considering the aforesaid facts and circumstances and the nature of injury, I am not inclined to enlarge the petitioner on



bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly disposed of.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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