

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86239 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- SHANKARPUR District- Madhepura

Surendra Yadav S/o Late Dukha Yadav Village- Kolhua, Ward No. 13, PS. Shankarpur, Dist. Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Shankarpur P.S. Case No. 82 of 2023 registered for the offences punishable under Sections 341, 323, 307, 353, 332, 333, 504, 506 and 34 of the Indian Penal Code. He has got one criminal antecedent.

3. As per the prosecution story, on 20.05.2023 while the informant along with the police party had gone to investigate P.S. Case No. 13 of 2023, all the accused persons including the petitioner surrounded the police team and this petitioner is alleged to have assaulted Shivangi Kumari, ASI of the Police, on head due to which she got injury on her eyes and head. It is alleged that wife of this petitioner also assaulted the informant

by a sickle due to which she got cut injury on her hand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the allegations are general and omnibus in nature and the injuries caused to the injured are simple in nature.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that there is a specific allegation against the petitioner of causing injury to A.S.I. Shivangi Kumari who had gone with the police party in the village to investigate Mahila P.S. Case No. 13 of 2023. It is submitted that the other police officials have also sustained injuries. It is further submitted that the petitioner has got a criminal antecedent.

6. Having regard to the specific allegation that this petitioner had assaulted an A.S.I. Shivangi Kumari who had gone with the police party in the village in connection with Mahila P.S. Case No. 13 of 2023 and the injury said to have been caused by the petitioner is swelling nearby the eyes and head of the A.S.I., there being specific allegation that the petitioner had assaulted the police officer on duty and the same has caused injury to her body and even as the submission is that

the injury is simple in nature, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

7. In case, the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, the prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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