

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14275 of 2025

Arising Out of PS. Case No.-390 Year-2024 Thana- NARHATT District- Nawada

Mukesh Yadav, Son of Bisheshwar Yadav, Resident of Village- Guruchak,
P.S.- Narhat, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar, Advocate.
For the State : Mr. Damodar Pd. Tiwary, APP
For the informant : Mr. Arjun Prasad No. 1, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Narhat P.S. Case No. 390 of 2024 dated
12.11.2024 registered for the offences punishable under
Sections 115(2), 126(2), 118(1), 109, 352 and 3(5) of the
Bhartiya Nyaya Sanhita, 2023.

3. As per allegation, cousin of the informant has been
assaulted by the accused persons including the petitioner and
specific allegation against the petitioner is that he assaulted the
cousin of the informant by sword causing injury on his head
and by way of second attack, he caused injury on his hand also
when he tried to protect himself against the assault by the



petitioner. Thereafter, he was constrained to take treatment at Primary Hospital from where he was referred to Sadar Hospital, Nawada.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case on account of previous enmity. He further submits that the allegation of the informant is not supported by the injury report because as per injury report, the lacerated wound on scalp has been found, caused by hard and blunt substance, whereas sword (*talwaar*) is a sharp edged weapon. He also submits that other co-accused Mithlesh Yadav and Uday Yadav have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.02.2025 passed in Cr. Misc. 6432 of 2025.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that the alleged offence is serious in nature and there is specific allegation against the petitioner to



have assaulted on the head of the cousin of the informant by dangerous weapon like *talwaar* causing injury on the scalp.

8. I considered the submission advanced by both the parties and perused the materials on record. Though, it is true that as per medical opinion, the injury has been caused by hard and blunt substance, but the facts remains that the injury is on the head i.e. vital part of the body and even *Talwaar* may cause lacerated wound if assault is made by the blunt part of it. The case of the present petitioner is different from the other co-accused because as per the First Information Report, he is the main assailant and there is no specific allegation of assault against other co-accused persons who have been enlarged on anticipatory bail by a co-ordinate Bench of this Court.

8. Considering the nature of allegation and material on record, I am not persuaded to enlarge the petitioner on anticipatory bail.

9. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Jitendra Kumar, J)

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