

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70238 of 2024

Arising Out of PS. Case No.-55 Year-2022 Thana- KADIRGANJ District- Patna

Mukesh Yadav @ Mukesh Kumar S/O Late Nandu Yadav @ Nandu Prasad
R/o Baribigha, P.S- Kadirganj, Distt-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 379, 354, 448, 504, 506/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the petitioner entered into the house of the informant and started abusing. It is alleged against this petitioner that he outraged the modesty of the informant. It is further alleged that when mother-in-law of the informant came to her rescue, she was brutally assaulted by other F.I.R named accused persons. It

is specifically alleged against this petitioner that he assaulted with iron rod on the head of the informant, as a result of which, she sustained head injuries.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The informant and the petitioner are agnates and in the background of some land dispute, the occurrence took place where both sides sustained injuries. There is counter version of the occurrence also and from petitioner's side also Kadirganj P.S. Case No. 56 of 2022 has been lodged on the same day against the informant's side under Sections 341, 323, 324, 325, 379, 354, 448, 504, 506/34 of the Indian Penal Code. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that there is specific allegation against the petitioner that he assaulted with iron on the head of the informant. The injury report of the informant as mentioned in para 82 of the case diary also corroborates the

case of the prosecution. The witnesses in para 3, 8, 15 and 16 have also supported the case of the prosecution. The investigation is still going on.

Considering the fact that there is specific accusation against the petitioner to have outraged the modesty of the informant and also assaulted with iron rod on her head, resulting into multiple injuries/fractures on her left frontal bone, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for grant of anticipatory bail to the petitioner stands rejected.

The petitioner is directed to surrender before learned Court below and pray for regular bail which shall be considered by the learned Court below on its own merit without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

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