

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69732 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- KOPA District- Saran

Raj Kumar Yadav @ Raj Kumar Ray Son of Chandeshwar Yadav Resident of
village - Janki Nagar P.S. - Kopa District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-02-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 191(2), 191(3), 190,
126(2), 115(2), 109, 118(1), 74, 303(2) and 352 of the BNS.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant alleges
that accused persons including the petitioner came variously armed
and Ashish Yadav assaulted the informant by an iron rod causing
injury on his head. Raj Kumar Yadav (petitioner) assaulted Vimla
Devi by Tangi causing injury on her head while Rajesh Yadav
assaulted Mewalal by Tangi causing injury on his head and Ramdeo
Yadav assaulted Dhananjay by Daab causing injury on his ear and
head. Further, Suraj assaulted Rishi by rod causing injury on his
head, thereafter Sanjay assaulted Devanand by Tangi causing injury
on his head. Further, Jitendra Yadav torn clothes of Anita.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that it does not appear probable that the informant with such precision could have alleged that who assaulted whom and by what and where. It is next submitted that similarly situated co-accused Ramdeo Rai and two others had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 69296 of 2024 and the same was allowed by an order dated 30.09.2024, thus, seeks anticipatory bail based on parity.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is a specific allegation against this petitioner of assaulting a woman by Tangi on head causing injury. It is further submitted that it appears that the injured Vimla Devi was refereed to PMCH which amply demonstrates that the injury was grievous. It is next submitted that the co-accused who has been granted the privilege of anticipatory bail, they are also alleged to have assaulted but then the injured, who suffered injury at their hand had suffered simple injury, as such, the case of the petitioner is not akin to the case of the accused who has been granted the privilege of anticipatory bail.

6. Learned counsel appearing on behalf of the petitioner submits that merely because Vimla Devi was referred to the PMCH that in itself does not in any manner suggest that she suffered



grievous injury.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kopa P.S. Case No. 119 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNNS.

8. However, it is made clear that the learned trial court shall verify the injury report of Vimla Devi and if it is found that she has suffered grievous injury in that event the provisional anticipatory bail order shall not be confirmed but if it is found that Vimla Devi had not suffered grievous injury in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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