

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73624 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- BARAHAT District- Banka

Sharad Yadav Son of DhanushDhari Yadav Resident of Village- Mirzapur, PS-
Barahat, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-02-2025 Heard Mr. Pawan Kumar Singh, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP representing
the State.

2. The petitioner is in judicial custody in connection
with Barahat P.S. Case No. 249 of 2023 for the offences
punishable under Sections 147, 148, 149, 341, 323, 307 and 506
of the Indian Penal Code and section 27 of the Arms Act, lodged
on 30.10.2023 by the informant, Kapildev Raut.

3. As per the prosecution story, the informant alleged
that while the petitioner was constructing house at his land, upon
objection, came armed variously and assaulted causing serious
injury on the head beside injuries given to his son. As the
informant was going towards the Police Station, the accused
persons resorted to firing but upon arrival of the Police, escaped.
This led to the F.I.R.

4. Learned counsel for the petitioner submits that he has
no role to play in the matter, the allegation is omnibus though he



concede that he has criminal antecedent and has remained in custody since 09.08.2024 (paragraph no.10 of the petition).

5. Mr. Bharat Bhushan, learned APP representing the State opposes the prayer and has taken this Court to learned Sessions Judge Order to show that the injury on the head has been found to be grievous, the petitioner was grabbing the land of the informant and constructing house and upon objection assaulted. Further, though the F.I.R. was lodged in the month of October 2023, he chose to walk into judicial custody only in the month of August 2024.

6. Considering the submission put forward by the parties as also the fact that allegation is that firstly he was constructing house on the land of the informant, later upon objection, resorted to severe assault causing injury on the head. The omnibus allegation cannot exonerate petitioner of the charges of he being the creator of the entire episode which resulted into grievous injury to the informant side, in that background, for the present this Court is not inclined to extend him the privilege of bail.

7. Accordingly, the bail petition stands rejected.

(Rajiv Roy, J)

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