

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75692 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- SIWAN CITY District- Siwan

Himanshu Kumar Yadav @ Raju Kumar Yadav @ Himanshu Shekhar @
Himanshu Yadav @ Himanshu son of Late Brajdev Singh Yadav @ Late
Brajdev Singh Village -Nirala Nagar, P.S- Nagar Siwan, District- Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Senior Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in connection
with Siwan (Town) P.S. Case No. 225 of 2024 lodged on
27.04.2024, for the offences punishable under Sections 341,
323, 307, 337, 338, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
2 named accused persons including the present petitioner
against whom there is an allegation that they have thrown bricks
on the informant's head due to which he was badly injured.

4. Learned Senior Counsel for the petitioner submits
that the petitioner is innocent and has committed no offence.
Senior Counsel submits that on the basis of allegation made in
the FIR, at worst, section 307 of the I.P.C. has been attracted,
but the injury is not there. Senior Counsel further submits that



the informant and petitioner are neighbours and on petty dispute, this case has been lodged. Senior Counsel submits that there is a delay of about 12 days in lodging the FIR which creates doubt in the case of prosecution. Senior Counsel further submits that criminal antecedent of the petitioner is clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is an allegation against the petitioner of attacking the informant on his head with bricks.

6. After going through the allegation made in the FIR, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty granted to the petitioner that if he surrenders before the Trial Court within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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