

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77038 of 2024

Arising Out of PS. Case No.-121 Year-2019 Thana- Kharagpur District- Munger

Chandan Kumar @ Chandan Yadav Son of Vidya Yadav @ Vidyanand Yadav
R/o Village- Chotikharui PS -Tetia Bampar (Sangrampur) Distt -Munger At
Present residing at Khasbazar Purani chowk Haveli Kharagpur, Ps- Haveli
Kharagpur, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 341, 323,
308, 379 and 504/34 of the Indian Penal Code.

3. As per allegation in the FIR, the petitioner and
other co-accused persons assaulted the informant by means of
iron rod and danda as a result of which, the informant sustained
head injury and also took away Rs.30,000/- from the pocket of
the informant.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next



submits that there is general and omnibus allegation against him, there is land dispute between them as also counter case between the parties.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. On perusal of the first information report and impugned order dated 31.07.2024, it appears that from para-6 of the impugned order that the petitioner is not sent up before the trial Court and has taken cognizance of offence under Sections 341, 323, 308 and 504 of the IPC against him but the learned Magistrate deferred the opinion of the investigation officer and took the cognizance for an offence under Sections 341, 323, 504 and 34 of the Indian Penal Code against the petitioner. It also appears that bailable warrant of arrest had already been issued against the petitioner and petitioner has got two criminal antecedents as stated in para-2 of the petition, one case involved in Section 353 of the IPC for assaulting upon the public servant during the discharge of his official duties and second is Section 307 and 386 of the IPC, so considering all aspects of the case, I am not inclined to grant bail to the petitioner.

7. However, if the petitioner surrenders before the trial court within one month from the date of this order, the



learned trial Court considering the opinion of the investigating officer for purpose of granting bail that the case is not found to be true against the petitioner and may pass order on the same day without being prejudiced by this order.

8. Accordingly, this petition is disposed of.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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