

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76661 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- NARPATGANJ District- Araria

1. Binod Yadav @ Binod Kumar Yadav Son of Late Sadanand Yadav Resident of Village - Fatehpur, Ward No. 21, P.S. - Narpatganj, District - Araria
2. Jay Kumar Yadav @ Chhotu Yadav Son of Binod Yadav @ Binod Kumar Yadav Resident of Village - Fatehpur, Ward No. 21, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-04-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. At the outset, learned counsel for the petitioner submits that during the pendency of the present application petitioner no.2, namely, Jai Kumar Yadav @Chhotu Yadav, has been taken into custody, and as such his prayer for grant of anticipatory bail has become infructuous.

3. The present application for grant of anticipatory bail with respect to petitioner no. 2 becomes infructuous.



4. So far as, petitioner no. 1 is concerned he apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the I.P.C.

5. There is an allegation in the F.I.R. against as many as twenty-one persons of having formed an unlawful assembly and assaulting the informant and his family members.

6. Learned counsel for the petitioner submits that the F.I.R., discloses that there is general and omnibus allegation with regard to the petitioner. Even as per the allegation in F.I.R, the allegation against the petitioner is that he, along with one Jai Kumar Yadav, assaulted the informant by means of *lathi* and *danda*. It has not been specifically stated in the F.I.R., or during the course of investigation as to which part of the body was assaulted by the petitioner. He further submits that there is a long dispute between the parties and there is a delay of two days in filing the present F.I.R. Further, there is also a case and counter-case, and one Narpatganj P.S. Case No. 298 of 2024 has been filed on behalf of the co-accused



(wife of petitioner no.1) in the present case against the informant's side. He further submits that the petitioner has a clean antecedent.

7. The application for grant of anticipatory bail is opposed by learned APP and learned counsel for O.P. No. 2, on the ground that in the F.I.R. itself there is a specific allegation against the present petitioner no.1 of having assaulted the informant, which has caused injuries on the head and other places.

8. The attention of the Court had been further drawn to the injury report of the informant, which goes to show that there are three injuries, amongst which at least one injury is on the middle of the skull, which shows that it was on the vital part of the body, and the nature of the injury has been stated to be grievous based upon the CT scan report of fracture.

9. Learned counsel for the petitioner, however, submits that the injury on the head is in the nature of swelling and pain.

10. Taking into account the rival contentions



and also considering the specific allegation made in the F.I.R., coupled with the injury report showing grievous injury, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 1, and thus it is rejected.

11. However, if the petitioner no.1 surrenders before the learned court below and prays for grant of regular bail, the same shall be considered on its own merits without being prejudiced by this order.

(Soni Shrivastava, J)

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