

(2021) 05 PAT CK 0026

In the Patna High Court

Case No : Criminal Miscellaneous No. 31976 Of 2020

Lav Kush Yadav @ Lav Kush Kumar And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 18-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 308, 323, 341, 354, 379, 504, 506

Citation : (2021) 05 PAT CK 0026

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Vibhakar Kumar, Jharkhandi Upadhyay

Final Decision : Dismissed

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Vibhakar Kumar, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
3. The petitioners apprehend arrest in connection with Amarapur PS Case No. 333 of 2020 dated 21.06.2020, instituted under Sections 341, 323, 308, 354, 379, 504, 506/34 of the Indian Penal Code.
4. The allegation against the petitioners is of assault on the head of the informant and his wife leading to injuries. Against other co-accused, there is further allegation of snatching of gold chain from the neck of the wife of the informant.
5. Learned counsel for the petitioners submitted that the allegation is of general and omnibus assault against all the petitioners and not specific. It was submitted that even the injury report is not very specific. It was further

submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that there is injury on the head of the informant and his wife and the injury of the informant is

grievous in nature and opinion has been reserved with regard to injury of the informant's wife, though there is serious injury on her head. It was

submitted that all the three have assaulted and the Court is not required to go into the aspect as to who actually hit since the intention was common

and has resulted in injury on head. Learned counsel submitted that the petitioners with common intention have assaulted the informant and his wife on

the head and, thus, the intention was clear to cause injuries to them and the same has also resulted in injuries. It was submitted that the injury report

discloses that the same is grievous in nature and the informant and his wife have suffered fracture on the arm also.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-

arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

9. Interim protection given to the petitioner under order dated 12.03.2021 stands vacated.