

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16151 of 2015

Arising Out of PS.Case No. -505 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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1. Birendra Yadav @ Birendra Kumar S/o Late Indradeo Yadav
2. Deepak Yadav @ Deepak Kumar S/o Birendra Yadav Both Resident of
Village Jamhra, P.S. Saur Bazar, District Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sameer Ranjan, Advocate.

For the Opposite Party : Mr. Manish Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-05-2015 Heard both sides.

The petitioners apprehend their arrest in Saur Bazar P.S.
Case No. 505 of 2014, registered for the offences punishable under
Section 302 and other Sections of the Indian Penal Code.

The informant alleged that while he along with his brother,
mother were on field the accused persons including the petitioner came
to plough the field. On protest, the accused persons went upon to
assault the informant, his brother and mother. The informant and his
brother fled away, but the accused persons assaulted his mother with
fists and slaps.

Learned counsel for the petitioners submits that the
petitioner is of course named in the FIR, but no specific allegation of
assault is made against the petitioners. The informant alleged that
Dhirendra Yadav the brother of the petitioner no. 1 twisted the neck of

the mother of the informant, but no external or internal injury was found. Even during the course of investigation, none of the witnesses has named the petitioners. The police after investigation submitted chargesheet under Section 304 of the Indian Penal Code. Petitioner no. 1 is a teacher in Uttar Pradesh and he was not even present.

On perusal of records it appears that the informant named the petitioners along with other accused persons and made allegation of assault with fists and slaps. But it is alleged that the petitioners assaulted his mother with fists and slaps and consequently his mother died. It appears that Dhirendra Yadav has already been enlarged on regular bail vide orders passed in Cr. Misc. No. 4985 of 2015.

Considering the facts aforesaid and the fact that the petitioners are also alleged to have assaulted the deceased, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered taking into consideration that similarly situated co-accused Dhirendra Yadav has been enlarged on bail and shall dispose of the same on the same day.

(Prabhat Kumar Jha, J.)

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