

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31278 of 2014

Arising Out of PS.Case No. -260 Year- 2013 Thana -CHHATAPUR District- SUPAUL

1. Indo Yadav son of Buchuar Yadav
2. Lalo Yadav son of Dukhi Yadav
3. Sushil Yadav son of Devdutt Yadav

All residents of village- Daharia, P.S.- Chhatapur, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Nirmala Kumari(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 30-01-2015 Petitioner No.3, namely, Sushil Yadav has been arrested and, as such, a prayer has been made to withdraw the application against him.

Prayer is allowed.

This application against petitioner No.3 is dismissed as withdrawn as having become infructuous.

Heard the parties.

Petitioners Indo Yadav and Lalo Yadav apprehending their arrest seek the privilege of pre-arrest bail in connection with Chhatapur P.S. Case No. 260 of 2013 under Section 302 and other allied Sections of the Indian Penal Code.

The petitioners and other co-accused brutally assaulted the father of the informant and when the informant went for rescue he was also assaulted and the father succumbed to the injuries. The motive behind the occurrence is the land dispute going on between the parties in the court of Sarpanch.

Submission is that there is no specific allegation of committing overt act. The allegation is general and omnibus in nature and there is a counter case to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for pre-arrest bail by submitting that the petitioners and others in furtherance of their common intention committed the murder of the father of the informant.

In the facts and circumstances as stated above, considering the allegation against the petitioners, this Court is not persuaded to grant the privilege pre-arrest bail and, accordingly, their prayer stands rejected.

(Jitendra Mohan Sharma, J)

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