

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40441 of 2014

Arising Out of PS.Case No. -105 Year- 2013 Thana -BUNIADGANJ District- GAYA

1. Shiv Jatan Yadav Son of Late Kishori Yadav R/o Village-Mahuar Kala,
P.S.-Buniyadganj, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Ashok Kumar(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 26-03-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
section 302 and other sections of the Indian Penal Code.

The informant Dinesh Kumar named the petitioner and
has alleged that while he was sitting in his shop, the petitioner and
other accused persons came and assaulted the informant and his
father. The father of the informant died.

It is submitted that from perusal of the post mortem
report of Lalji Mahto, father of the informant, it would appear that
there is no evidence of external ante-mortem injury, and this fact
itself belies the prosecution case about the assault made by the

petitioner.

Having considered the facts that the petitioner and other accused persons are alleged to have assaulted the informant and his father, and his father died on the spot on account of deep seated cerebral haemorrhage, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

The petitioner may surrender in the court below and pray for regular bail. The court below shall consider the regular bail of the petitioner without being prejudiced by the order of this Court and take into account that the deceased did not get any external injury, and dispose of the bail petition, preferably on the same day.

(Prabhat Kumar Jha, J)

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