

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.187 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -ALOULI District- KHAGARIA

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Sunil Yadav S/o Awadhesh Yadav, Resident of Village- Hathban Bandher,
P.S.- Allauli, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-04-2015 Heard both sides.

Petitioner apprehends his arrest in a case under Section 323 and other Sections of the I.P.C. Later on, Section 302 of the I.P.C. was added.

The informant made specific allegation that some altercation took place due to plucking of Sahjan and on the order of Awadhesh Yadav, Sunil Yadav the petitioner, Manish Kumar, Chandan Kumar and Ajay Yadav assaulted the informant and thereafter her husband came to save but he was also brutally assaulted. The husband of the informant died.

It is submitted that initially one Sushil Yadav was made accused but there is some interpolation and the name of Sunil

Yadav, the petitioner was inserted. The husband of the informant died after ten days of occurrence and therefore, on the face of it, the case does not come within the purview of Section 302 of the I.P.C.

On consideration of the facts, it appears that there is very specific allegation that the petitioner alongwith other accused persons indiscriminately assaulted the informant and her husband and her husband succumbed to the injuries after ten days. Hence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected in connection with Alauli P.S. Case No. 65 of 2014, pending in the court of the learned C.J.M., Khagaria.

U.K./-

(Prabhat Kumar Jha, J)

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