

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49362 of 2015

Arising Out of PS.Case No. -162 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

1. Bageshwar Yadav @ Kaushal Yadav Son of Hari Narayan Yadav
Resident of Village - Makarpur Tola Mithu Bigha, P.S. - Makhdumpur,
District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53836 of 2015

Arising Out of PS.Case No. -162 Year- 2015 Thana -MAKHDUMPUR District- JEHANABAD

1. Brajesh Yadav, Son of Hari Narayan Yadav, Residents of Village-
Makarpur Tola Mithu Bigha, P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49362 of 2015)

For the Petitioner/s : Mr. Umesh Kumar,

For the Opposite Party/s : Mr. Shiv Kumar Prabhakar
Mr. Uma Shankar Sharma

(In Cr.Misc. No.53836 of 2015)

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

315-12-2015

Heard learned counsel for the petitioners and the State as well as
learned counsel appearing on behalf of the Informant.

The petitioners apprehend their arrest in a case under sections 302 and
other allied sections of the Penal Code.

The petitioners submit that there is no allegation against petitioner Bageshwar Yadav in the first information report. Further more, the father of petitioner Bageshwar Yadav namely Hari Narayan Yadav was arrested in the previous night, though the first information report was instituted in the next morning at 8.30 AM whereas fardbeyan was given at 8.15 AM. They further submit that on account of village politics the petitioner Brajesh Yadav has also been implicated in this case.

Learned counsel for the informant submits that the witnesses have stated the involvement of the petitioner Bageshwar Yadav in the crime. He further submits that there is allegation of pressing neck against Brajesh Yadav.

The prosecution case prima facie states the involvement of the petitioners in the alleged crime. Merely because the father of Bageshwar Yadav was arrested at the time of occurrence, cannot be a ground to disbelieve the entire prosecution case.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is rejected. However, if the petitioners surrender and pray for regular bail, the same would be disposed of preferably on the same day without prejudice.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--