

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49094 of 2014

Arising Out of PS.Case No. -116 Year- 2008 Thana -FATEHPUR District- GAYA

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1. Anup Yadav Son of Bisun Yadav resident of Village - Ambatari, P.S. -
Chouparan, District - Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

5 03-04-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

A large number of persons including that of petitioner armed variously raided the house of the informant and on an order of Talo Yadav, Maheshwar Yadav, Dilip Yadav armed with Axe, Anup Yadav, the petitioner, armed with danda began to assault and continued with assault till falling of her husband on the floor. She along with Sarjun Mistry, when tried to save her husband whereupon Sarjun Mistry was threatened, on account thereof, he escaped therefrom. As she intervened, Talo Yadav with axe and Ganesh Yadav with lathi also assaulted her causing injuries over different parts of the body. Thereafter, the accused persons escaped therefrom. It has also been submitted that while she tried to rescue her husband, she had snatched the axe from Maheshwar

Yadav.

Contention on behalf of the petitioner is that some of the co-accused have already been granted anticipatory bail more particularly vide Cr. Misc. No. 27854 of 2014. It has also been submitted that other co-accused have also been released on regular bail though after spending sometime behind the Bar. Now, coming to the merit of the case, it has been submitted that informant has specifically mentioned in her Fardbeyan that petitioner had assaulted the deceased with Danda. It has also been submitted that during post-mortem, the doctor did not opined that the injuries caused by Danda, was responsible for causing the death of the deceased. It has also been submitted that though the occurrence is of the year 2008 but petitioner now put his appearance before the Court and is in custody since 12.08.2014, so submitted that the petitioner should be released on bail.

On the other end, learned Additional Public Prosecutor opposed the prayer and submitted that petitioner including others have been identified to be assailant of the deceased. The other assailant were refused bail at an earlier count and after spending long period of judicial custody more particularly after two years Maheshwar Yadav was granted bail vide Cr. Misc. No. 13760 of 2013 while Dilip Yadav vide Cr. Misc. No. 16485 of 2013.

More over, petitioner absconded himself for six consecutive years. Now, coming to post-mortem report, it has been submitted that the death is on account of cumulative effect of all the injuries along with the fact that injury caused by hard and blunt substance, were also found over the deceased.

Accordingly, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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