

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12745 of 2015

Arising Out of PS.Case No. -246 Year- 2014 Thana -SALKHUA District- SAHARSA

- =====
1. Brahmdeo Yadav Son of Thithar Yadav
 2. Hareram Yadav Son of Brahmdeo Yadav
 3. Rudal Yadav @ Rundeo Yadav son of Aklu Yadav
- All are resident of village- Khureshan, P.S., - Salkhua, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Md.Fahmuddin (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 26-06-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

At the very outset, it is pointed out that petitioner no.
2, namely, Hareram Yadav has already been arrested and,
accordingly, his prayer for anticipatory bail stands dismissed being
infructuous.

So far as rest petitioners are concerned, admittedly,
they are named though no specific overt-act has been attributed
against them.

The contention on behalf of the petitioners is that
there is case and counter case between the parties and as a matter
of fact, it was prosecution party who assaulted the co-accused,

Dularchand Yadav, Chutan Yadav and Bijendra Yadav for which Salkhua P.S. Case No. 245 of 2014 has been registered.

It is not proper stage to decide as to who is aggressor and admittedly, petitioners are named with specific allegation that they also participated in the alleged crime.

Therefore, I am not inclined to grant the privilege of anticipatory bail to the petitioners no. 1 and 3 and accordingly, their prayer for anticipatory bail in connection with Salkhua P.S. Case No. 246 of 2014 pending in the court of Chief Judicial Magistrate, Saharsa stands rejected.

However, this order shall not cause any prejudice to the concerned court at the time of consideration of regular bail application of the above stated petitioners.

(Hemant Kumar Srivastava, J)

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