

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16976 of 2015

Arising Out of PS.Case No. -12 Year- 2011 Thana -CHANDRADEEP
District- JAMUI

Mritunjay Yadav @ Mritunjay Kumar son of Sri Chand Yadav, Resident of
village- Islam Nagar, P.S.- Chandradeep, District- Jamui

.... Petitioner

Versus

The State of Bihar Opposite Party

with

Criminal Miscellaneous No.18829 of 2015

Arising Out of PS.Case No. -12 Year- 2011 Thana -CHANDRADEEP District- JAMUI

Upendra Yadav, Son of Sadhu Yadav, resident of Village-Ishlam Nagar,
P.S.- Chandradeep, District- Jamui.

.... Petitioner

Versus

The State of Bihar. Opposite Party

with

Criminal Miscellaneous No.20435 of 2015

Arising Out of PS.Case No. -12 Year- 2011 Thana -CHANDRADEEP District- JAMUI

Indradeo Yadav son of Late Yamuna Yadav, Resident of Village-
Dharmpur, P.S. Chandradeep, District- Jamui

.... Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

(In Cr.Misc. No.16976 of 2015)

For the Petitioner/s : Mr. Prakash Mahto, Adv.

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

(In Cr.Misc. No.18829 of 2015)

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh-I(App)

(In Cr.Misc. No.20435 of 2015)

For the Petitioner/s : Mr. Prakash Mahto, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 06-07-2015

Heard both sides.

The petitioners apprehend their arrest in Chandradeep P.S. Case No. 12 of 2011, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and 27 of the Arms Act.

The informant was going along with Sakindar Yadav and Uday Yadav but when they went near Manikpur Road, the petitioners along with other accused persons firstly tried to stop them and then made indiscriminate firing causing death of Uday Yadav and Sakindar Yadav. The informant also got injured.

Learned counsel for the petitioners submits that there is no allegation of firing against the petitioners. The wife of Uday Yadav stated in para 29 of the case diary that the informant took her husband and killed him. The accused persons are innocent.

It is submitted that the petitioner Mritunjay Yadav is a teacher, the Petitioner Indradeo Yadav is an old man and the Petitioner Upendra Yadav is not alleged to have made any firing. Similarly situated co-accused Upendra Yadav has already been enlarged on regular bail by the learned trial court on the basis of observation made in Cr. Misc. No. 40251/2012.

It appears that the informant made allegation against the petitioners and others that they made indiscriminate firing

causing injury to Sakindar Yadav and Uday Yadav who died on the spot. The informant also got injuries which the Doctor found to have been caused by hard and blunt object. The prayer for anticipatory bail of Petitioner Mritunjay Yadav was rejected in the year 2013 vide A.B.P. no. 549/13.

Considering the facts aforesaid and allegation made against the petitioners, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered taking into consideration that similarly situated co-accused have already been enlarged on bail.

(Prabhat Kumar Jha, J.)

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