

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26228 of 2015**

Arising Out of PS.Case No. -5 Year- 2015 Thana -GOVINDPUR District- NAWADA

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1. Mirtunjay Yadav son of Late Jagdeo Yadav resident of village -  
Harnarayanpur, p.s. Govindpur, Dist - Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajendra Narayan, SR. Adv.  
Mr. Birendra Kumar

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      20-07-2015                      Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Govindpur P.S.Case No. 05/2015 instituted under Sections 302/34 of the Indian Penal Code, pending in the Court of learned A.C.J.M., Nawada.

The prosecution story, in brief, is that on the alleged date of occurrence the informant's son , namely, Sujit Kumar went to his field to see Gram and Masoor crops from the house and did not return then the informant along with her daughters went to the field in search of her son and saw all the accused including the petitioner was hanging her son in Simar tree by tying with Muflar in his neck and on seeing the informant they started fleeing away and thereafter the informant with the help of her

daughters after untying the Muflar brought down her son and found that her son has died. It is also alleged that on 27.1.2015 her deceased son had told her about 12 noon that his cycle was touched the leg of Jamuni Devi Fua of Dhananjay Yadav @ SAdhu Yadav then Savitri Devi told to narrate the matter to Dhananjay and Mritunjay. Before this occurrence they have also committed the occurrence of assault due to falling of water in the lane and since then they have used to give threatening. Two years ago they have committed the occurrence of assault due to mid-day meal for which there was a Panchayati.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. It is further submitted that cause of death of the deceased has not been ascertained

On behalf of the State it has been submitted that the inquest report and post mortem report both support the prosecution case and on the neck there was external injury, which goes to suggest that the deceased was hanged on the tree by the accused persons.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

However, if the petitioner surrenders in the court

below within a period of four weeks in the court below and pray  
for regular bail, the same shall be considered by the court below  
without being prejudiced by this order of rejection.

**(Sudhir Singh, J)**

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