

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22223 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -BISHUNPUR District- DARBHANGA

Ramesh Yadav, son of Late Kari Yadav resident of village - Mustaphapur,
P.S. - Bishunpur, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwanand, Advocate.

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015

Heard learned counsel for the parties.

2. Having regard to the nature of allegation against the petitioner for offence under Sections 141, 302, 307, 323, 341, 379, 427 and 504 of the Indian Penal Code, this Court would not be inclined to grant privilege of anticipatory bail to the petitioner primarily because co-accused, namely, Surul Yadav, Arun Yadav, Naresh Yadav and Santosh Yadav, having identical allegation, have been refused to privilege of regular bail by this Court by an order dated 15.06.2015 in Cr. Misc. No. 22134 of 2015 by noticing that the incident in question had taken place by way of use of force for vacating the shop and all the accused persons including the petitioner had assaulted the informant as also had thrown all the articles of his shop. The fact that the death of the deceased had taken place on account of assault was also taken note

of by this Court in the aforesaid order dated 15.06.2015.

3. Thus, in the background of the aforementioned order refusing the regular bail of the co-accused persons of this very case having more or less identical allegations, this Court would not be impressed with the submission of learned counsel for the petitioner that there is no specific allegation against the petitioner or that there was only one injury found by way of swelling on the posterior portion of the head of the deceased in the postmortem report. It has to be kept in mind that the deceased was 70 years old man and if the accused persons have even bodily assaulted him without use of any weapon, which ultimately resulted into his death, nothing much can turn only account of absence of injury on the person of the deceased.

4. Thus for the reasons indicated above, the prayer of anticipatory bail of the petitioner is hereby rejected.

(Mihir Kumar Jha, J)

Sujit/-

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