

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2664 of 2016**

Arising Out of PS.Case No. -112 Year- 2015 Thana -PAKARIBARAW District- NAWADA

1. JITENDRA YADAV @ JITENDRA KUMAR Son of Rohan Yadav  
Resident of Village - Kabla, P.S. - Pakribarawan, District - Nawada

.... .... Petitioner/s

Versus

1. The State of Bihar

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

with

**Criminal Miscellaneous No.6505 of 2016**

Arising Out of PS.Case No. -112 Year- 2015 Thana -PAKARIBARAW District- NAWADA

1. Tihan Yadav @ Barka Tihan son of Late Kishun Yadav, Resident of  
village- Nehaluchak, P.S.- Nawada, District- Nawada

.... .... Petitioner/s

Versus

1. The State of Bihar

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

**Appearance :**

(In Cr.Misc. No.2664 of 2016)

For the Petitioner/s : Mr. Sheo Kumar Prasad

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

(In Cr.Misc. No.6505 of 2016)

For the Petitioner/s : Mr. Sheo Kumar Prasad

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

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

3      12-04-2016      These two applications under Section 438 of the  
  
Code of Criminal Procedure arise out of a common FIR and as  
  
such they have been heard together and are being disposed of by a  
  
common order.

The petitioners seek pre-arrest bail in connection  
with Pakribrawan P.S.Case No. 112 of 2015 registered under

Sections 302 and 201/34 of the Indian Penal Code.

It has been contended by the learned counsel for the petitioners that the petitioners are not named in the FIR and there is no eye-witness to the occurrence. The names of the petitioners have been given by the family members of the deceased during investigation merely on suspicion.

On the other hand, learned counsel for the informant has contended that it has transpired during investigation that the petitioner Tihan Yadav @ Barka Tihan (Cr.Misc. No. 6505 of 2016) had taken Rs.2,00,000/- (Rupees two lakhs) as loan from the deceased and when the deceased started demanding back the money, Tihan Yadav in conspiracy with his brother-in-law Jitendra Yadav (petitioner in Cr.Misc. No. 2664 of 2016) committed murder of the deceased.

Be that as it may, regard being had to the gravity of the offence as also the fact that the police may require custodial interrogation of the petitioners, I am not inclined to grant them pre-arrest bail. Accordingly, the applications are dismissed.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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