

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11611 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -KAUAKOL District- NAWADA

- =====
1. Binod Yadav, Son of Sheetal Yadav
 2. Sheetal Yadav Son of Ruplal Yadav Both resident of Village- Rani Bazar, Police Station- Kawakole, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-06-2016 Heard both sides.

The petitioner no. 1 apprehends his arrest in Kawakole P.S. Case No. 127/2015, registered for the offence punishable under Sections 341, 323, 379, 307, 302 and 34 of the Indian Penal Code.

The mother of the deceased alleged that petitioner and other accused persons brutally assaulted her son and her son died during the course of treatment in P.M.C.H.

Learned counsel for the petitioner submitted that mother being informant is not an eye-witness of the occurrence. The Dy. Superintendent of Police not found involvement of petitioner no. 2. Sheetal Yadav and accordingly directed to submit final form

against him. Consequently the prayer for anticipatory bail of petitioner no. 2 was dismissed as withdrawn. There is no involvement of petitioner no. 1 Binod Yadav in the occurrence. The Dy. S.P. recorded statement of many witnesses which disclosed that the deceased was playing gambling with other accused persons and some altercation took place. But from perusal of the case diary it appears that Pradeep Kumar, Vikash Yadav and Mahindra Yadav have very categorically named the petitioner and stated that petitioner also assaulted the deceased along with other accused persons.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Binod Yadav on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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