

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16760 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -DHARHARA District- MUNGER

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Sakhichand Yadav S/o Raghu Yadav, R/o Village - Itwa, P.S. - Dharhara,
District - Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Adv.

For the Opposite Party/s : Mr. Harendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 04-07-2016 Heard both sides.

The petitioner apprehends his arrest in Dharhara P.S.
Case No. 152/2015, registered for the offence punishable under
Sections 302 and other sections of the Indian Penal Code.

Babita Devi wife of one of the deceased Anil Choudhary
disclosed that while her husband and Rajiv Choudhary were
bringing country made liquor the petitioner and others assaulted
them and snatched country made liquor. The husband of the
deceased and Rajiv Choudhary again went to ask for money from
the accused persons, but the husband of the informant and Rajiv
Choudhary did not return. On the next day dead body of both the
deceased were found by the side of road.

Learned counsel for the petitioner submits that there is

absolutely no evidence to show that the petitioner assaulted any of the deceased. Some of the accused persons have confessed their guilt and made their exculpatory statement stating that both the deceased came in the village and made indiscriminate firing, on such, villagers brutally assaulted them and one Surendra Yadav cut the neck of the deceased in order to show that the deceased were murdered by the extremists.

It appears that name of the petitioner figured in the confessional statement. He is member of the mob, but it appears that besides confessional statement, the informant also alleged that petitioner and others assaulted his husband and Rajiv Choudhary and snatched country made liquor. The husband of the informant and Rajiv Choudhary went to ask for money, but they did not return. From perusal of case diary it appears that blood soaked lungi was also found on the roof of house of the petitioner.

Considering the facts aforesaid and the fact that one blood soaked lungi was found from the house of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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