

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21557 of 2016

Arising Out of PS.Case No. -306 Year- 2015 Thana -HARSIDHI District- EAST CHAMPARAN
(MOTIHARI)

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1. Manu Yadav, s/o Rekha Yadav
2. Chanchal Yadav, s/o Motilal Yadav
3. Jhabbu Yadav, s/o Bhishun Yadav
All r/o Vill Madhopur, P.S. Harsidhi, Dist East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Advocate.

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-07-2016

Heard both sides.

The petitioners, namely, Manu Yadav, Chanchal Yadav and Jhabbu Yadav apprehend their arrest in Harsidhi P.S. Case No. 306/15 registered under Sections 302/34 of the Indian Penal Code.

The father of the deceased alleged that on 09.08.2015 his son Pradeep Kumar was going on a bike and dashed Manu Yadav in Village Khodipakar Takiya on account of which Nadhiya of Manu Yadav was broken and thereafter Manu Yadav, Chanchal Yadav and Jhabbu Yadav, they all assaulted the son of the informant with lathi. The son of the informant died during the course of treatment. Learned counsel for the petitioners submits that the informant is not an eye witness of the occurrence. The

mother of the deceased, in Para 16 of the case diary, disclosed that she had gone to Deoghar and when she returned she came to know that the petitioners had killed her son. It is further submitted that during the course of investigation the witnesses of the vicinity, in Para 49 onwards, stated that the deceased met with an accident and died. The doctor also stated that it is a case of road accident.

It appears from perusal of the case diary that there are so many eye witnesses of the occurrence. Jagarnath Choudhary (in Para 7 of the case diary), Yogendra Choudhary, Vinod Choudhary and Vikas Choudhary (in Para 17, 18 & 19 of the case diary) and others have very categorically stated that motorcycle of the deceased dashed Manu Yadav in which his Nadiya was broken and thereafter the petitioners brutally assaulted the deceased with lathi. From perusal of the post mortem report, it appears that the deceased got injuries all over his body and bone of forehead in parietal region was found broken.

Considering the fact that there is a specific allegation that the petitioners assaulted the deceased, I am not inclined to enlarge the petitioners on anticipatory bail in Harsidhi P.S. Case No. 306 of 2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

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