

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56572 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -ROH District- NAWADA

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1. Pappu Yadav son of Deoki Yadav, resident of village- Garura, P.S.- Roh, Distt- Nawada
 2. Vishun Yadav, son of Ragho Yadav, resident of village- Garura, P.S.- Roh, Distt- Nawada
 3. Gauri Yadav son of Lakshu Yadav, resident of village- Derma, P.S. Roh, District- Nawada
 4. Dipu Yadav, son of Govind Yadav, resident of village- Nehaluchak, P.S. Nawada, Dist- Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad, Advocate
For the Opposite Party/s : Mr. Madan Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-03-2016 Heard learned counsel for the petitioners,

learned counsel for the informant and the learned A.P.P.

for the State.

Petitioners apprehend their arrest in connection
with Roh P.S. Case No. 69 of 2015, pending in the Court
of Shri Sujit Kumar, learned Judicial Magistrate, 1st Class,
Nawada, registered for the offence punishable under
Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, in brief, is that on
15.08.2015 at about 6:00 P.M., husband of the informant,
Rajendra Yadav @ Bammer Yadav was grazing she-



buffalo towards south of the village at Tand and these petitioners were performing funeral of Surendra Yadav. Seeing the husband of the informant, ten persons including petitioners caught him and started assaulting with *lathi* and *Khanti*. When informant went to save her husband, accused persons also assaulted her causing injuries. Thereafter, villagers came and saved her. The villagers tried to perform funeral of the husband of the informant with said Surendra Yadav, but accused persons burnt the dead body of the husband of the informant by pouring kerosene oil.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in this case. There is a counter case filed by the petitioners against the informant side, which shows that they are on inimical terms with each other. It has further been submitted that petitioners have no criminal history.

However, learned counsel for the informant and the learned A.P.P. for the State submit that there is direct allegation against these petitioners and the informant is eye-witness to the occurrence committed by these

petitioners

Since there is direct allegation against these petitioners and the informant being the eye-witness to the occurrence, I am not inclined to grant the privilege of anticipatory bail to the petitioners. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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