

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44168 of 2016

Arising Out of PS.Case No. -257 Year- 2012 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Nand Yadav @ Nandlal Yadav, S/o Late Balkaran Yadav,
 2. Surendra Yadav S/o Late Dhanesh Yadav,
 3. Madan Yadav S/o Late Balkaran Yadav, All Resident of village-
Chaumukha, P.S.- Jogpatti, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 21-10-2016 Heard leaned counsel for the petitioners, learned
counsel appearing on behalf of the informant and the leaned A.P.P.
for the State.

The petitioners apprehend their arrest in connection with
Jogapatti P.S. Case No. 257 of 2012, registered under Sections 302,
120B and 504/34of the Indian Penal Code and Section 27 of the
Arms Act, pending in the court of the Chief Judicial Magistrate, West
Champaran at Bettiah.

The accusation is that when informant and his brother
were returning from his motorcycle, after taking medical aid, reached
at the Sugarcane field of Hari Yadav, in the meantime, all the
accused persons named in the F.I.R. surrounded him variously
armed with fire arms. At that time, Gallu Yadav, Hari Yadav, Jai
Narayan Yadav, Vijay Yadav, Dhodhai Yadav and Prabhu Yadav shot

fire at Raj Kishore Yadav, brother of the informant, who died on the spot.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioners are said to be simply members of the mob. There is specific allegation against co-accused Gallu Yadav, Hari Yadav, Jai Narayan Yadav, Vijay Yadav, Dhodhai Yadav and Prabhu Yadav, who shot fire at the brother of the informant. Further submission is that, in fact, occurrence took place due to election rivalry and Police submitted Final Form against petitioners, but the learned Magistrate differed with the Final Form and taken cognizance under Sections 302, 120B, 437, 379 and 504/34 of the I.P.C. The petitioners having no criminal antecedent.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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