

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41388 of 2016**

Arising Out of PS.Case No. -231 Year- 2016 Thana -BELHAR District- BANKA

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1. Pawan Yadav S/o Late Gunni Yadav  
2. Umesh Yadav S/o Late Gunni Yadav  
3. Eadri Yadav S/o Sri Mogal Yadav All residents of Village - Bishanpur,  
P.S. Badhar, District Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bamdeo Pandey

For the Opposite Party/s : Mr. Akshay Lal Pandit

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
ORAL ORDER

3      05-12-2016                      Heard both sides.

The petitioners apprehend their arrest in Belhar P.S.  
case No. 231 of 2016 registered under Section 302 and other  
Sections of the Indian Penal Code.

The informant named eight persons and alleged that  
while the accused persons were quarrelling with Rajendra Yadav,  
the informant and his father went to pacify the matter but the  
accused persons assaulted the informant and his father with stick  
and iron rod. The accused persons also assaulted them with bricks.  
His father fell down on the ground and died.

The learned counsel for the petitioners submits that  
eight persons are named in the FIR but the deceased got only two



injuries, one is lacerated wound on the occipital region of the skull and another is swelling over occipital region, and on account of the aforesaid injuries the deceased died. No specific allegation of assault is made against any of the accused. There is land dispute between the parties and the petitioners opposed the informant in election of Mukhiya and that is why the petitioners have falsely been implicated in the case.

It appears that informant and other witnesses have made allegation against all the accused persons that they all assaulted the informant and his father. Father of the informant sustained injuries on head and died.

Considering the fact that petitioners are also alleged to have assaulted the informant and his father, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

BKS/-

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