

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23992 of 2016

Arising Out of PS.Case No. -183 Year- 2014 Thana -KHAIRA District- JAMUI

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1. Pappu Yadav, son of Sato Yadav,
 2. Pudina Yadav, son of Rewa Yadav
 3. Ajay Yadav @ Ajit Kumar Yadav, son of Sato Yadav,
 4. Rebu Yadav @ Rewa Yadav, Son of Late Joga Yadav, All residents of village- Ghatawari, P.S. Sono, District- Jamui

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Kalayan Shankar(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioners apprehend their arrest in Khaira P.S.Case No. 183 of 2014 registered under Sections 147, 342, 324 and 302 of the Indian Penal Code.

The informant named the petitioners along with other accused persons and alleged that accused persons surrounded the deceased, her son Basuki Singh and her relation Bhutari Choudhary and assaulted the deceased with sharp cutting weapons. Basuki Singh died thereafter due to injury caused to him.

Learned counsel for the petitioners submits that there is allegation against the petitioners that they assaulted the deceased



with Tangi and other weapons but Prakash Yadav, who is also alleged to have assaulted Bhutai Chaudhary with Tangi on his head, has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr.Misc.No.3224 of 2016, vide order dated 18.3.2016. Puran Singh, being an order-giver, has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr.Misc.No.17426 of 2016, vide order dated 10.5.2016. The case of the petitioners stands on similar footing as that of Prakash Yadav. It is further submitted that during the course of investigation many witnesses have stated that Basuki Singh demanded extortion of one lakh rupees from Dinesh Sao and that is why the villagers assaulted and killed him. The witnesses did not said about the participation of the petitioners but from the perusal of the F.I.R. as well as the case diary it appears that Chameli Devi, the informant, is also an eye-witness of the occurrence. When she reached near the shop of Dinesh Sao, Suresh Yadav, Prakash Yadav, Rebu Yadav, petitioner no.4, Pudina Yadav, petitioner no.2, Pappu Yadav, petitioner no.1, Ajay Yadav, petitioner no.3, Dinesh Yadav and Puran Yadav surrounded the informant and others, Prakash Yadav assaulted to kill Bhutari Chaudhary. Suresh Yadav assaulted Basuki, Suresh Yadav caught Basuki, Pudina Yadav assaulted Basuki with Tangi

on his head, Pappu Yadav also assaulted Basuki with Tangi on his head, Dinesh Sao also assaulted Basuki. Prakash Yadav is said to have assaulted Bhutari. Other witnesses Laxmi Narayan Singh and Diwakar Singh also said about the murder of Basuki Singh by some accused persons. Later on the police recorded statement of other witnesses who claimed that Basuki demanded extortion from Dinesh Singh and that is why the villagers assaulted Bhutari Chaudhary and Basuki Yadav.

Considering the fact that the informant and others, who are eye-witnesses of the occurrence, have stated that the petitioners assaulted the Basuki and killed him on the spot, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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