

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5597 of 2016

Arising out of PS.Case No. -207 Year- 2015 Thana -BIRPUR District- SUPAUL

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1. Jay Krishna Yadav @ Jai Krishna Yadav, son of Late Kamleshwari Yadav.
 2. Pramod Yadav @ Promod Yadav, son of Bindeshwar Yadav.
 3. Vijay Yadav, son of Satya Narain Yadav.
 4. Ramchandra Yadav, son of Parpovi Yadav. All are residents of Village- Banaili patti, Bauraha, P.S.- Birpur, District- Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Kumar Singh, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 08-04-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Birpur P.S. Case No. 207 of 2015 for the offences instituted under Sections 147, 148, 149, 323, 341, 302 of the IPC and 3(2)(V) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that the petitioners alongwith other co-accused assaulted by armed with deadly weapon to the mother of the informant as a result of which she died. Thereafter the accused persons fled away. In the meantime, with the help of other people, the victim was taken to hospital where the doctor declared her dead. The occurrence has taken place due to land dispute between the informant's mother and

accused persons and during the pendency of land dispute case, one another case, was filed whereunder the death of deceased Rameshwar Yadav, done, on suspicious position but falsely made accused to whole Basti of Paswan Caste.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is admitted enmity between the parties. No specific injury has been attributed against the petitioners. General and omnibus allegation has been made. The provision of SC/ST Act is not attracted in the present case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R. and have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in Birpur P.S. Case No. 207/2015, pending in the court of the learned A.C.J.M., Birpur, Supaul. Anyhow, if the petitioners surrender in the court below the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)