

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11375 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA

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1. Jai Kumar Yadav
 2. Anil Yadav
 3. Shrawan Yadav @ Shrawan Kumar Yadav @ Sarban Yadav. All sons of Gajendra Yadav
 4. Chandan Yadav
 5. Kundan Yadav @ Kundan Kumar Yadav
 6. Ashok Yadav. All sons of Ramanand Yadav
 7. Pappu Yadav, son of Karpuri Yadav. All are residents of Village- Ganeshpur, P.S.- K. Nagar District- Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 17-03-2016 Heard learned counsel as well as learned counsel for the State.

The petitioners apprehend their arrest in connection with K. Nagar P.S. Case No. 02 of 2016 for the offence punishable under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

It appears that one Sanjay Yadav called the informant's son Uday Yadav from his house for purchasing a motorcycle. After some time, the informant learnt that his son is being assaulted by some persons amongst which one of them, namely,

Ram Bilash Yadav opened fire, which killed his son.

Learned counsel for the petitioners submits that the allegation against them at the worst is of having surrounded the deceased Uday Yadav and having assaulted with hands and fists. He further submits that they were not armed with any weapon and, as such, they could not have any intention to kill him.

Having regard to the First Information Report and assaulted the deceased, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, the application for anticipatory bail of the petitioners is rejected with the aforesaid observation.

The petitioners are directed to surrender before the court below within two weeks and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on the same day on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Samarendra Pratap Singh, J)

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