

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22843 of 2016

Arising out of P.S. Case No. - 37 Year - 2015 Thana - JAYNAGAR District - MADHUBANI

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1. Digambar Yadav @ Ankit Kumar
 2. Bishambhar Yadav @ Bishsambhar Kumar, Both are sons of Narendra Yadav, Both are residents of Village- Dorbar, Police Station - Jay Nagar, District - Madhubani

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party : Mr. Dr. M. K. Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-07-2016

Heard both sides.

The petitioners apprehend their arrest in Jay Nagar P.S. Case No. 37 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code as well as Section 27(3) of the Arms Act.

The informant, Radhe Kumar Yadav alleged that there was quarrelling between Santha Yadav, Ram Kumar Yadav on the one side and Digambar Yadav and Bishambhar Yadav petitioners on the other. His uncle Sonfil Yadav had gone to the shop of one Om Prakash Yadav to purchase tobacco, in the meanwhile, Digambar Yadav armed with gun and Ram Kumar Yadav with lathi assaulted his uncle Sonfil Yadav and his head was broken. When his father and uncle Sonfil Yadav went to

complain, the petitioners and other accused persons assaulted Sonfil Yadav and Chalitar Yadav. Digambar Yadav is said to have fired.

Learned counsel for the petitioners submits that there is no firearm injury on the person of Chalitar Yadav. No specific allegation of assault is made against the petitioner no. 2 Bishambhar Yadav.

It appears that the informant has made specific allegation that both the petitioners and others assaulted to Chalitar Yadav and Sonfil Yadav and also assaulted Radhe Kumar Yadav, the informant. Chalitar Yadav and Sonfil Yadav died due to injuries caused by the petitioners and others.

Considering the facts aforesaid, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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