

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30408 of 2016

Arising Out of PS.Case No. -415 Year- 2015 Thana -BAHERA , District- DARBHANGA

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1. Pappu Yadav Son of Sri Shyam Yadav
 2. Lal Yadav
 3. Teni Yadav Both Son of Sri O.P. Yadav
 4. Lal Yadav Son of Sri Ram Bahadur Yadav
 5. Sajjan Yadav Son of Late Mahavir Yadav
 6. Ram Briksha Yadav Son of Late Sunnar Yadav
 7. Pramod Yadav Son of Sri Mahendra Yadav
 8. Dinesh Yadav Son of Sri Biltu Yadav
 9. Satrugan Yadav @ Sattan Yadav Son of Late Shiv Yadav Resident of village - Vishwanathpur, Fardaha, P.S. Bahera, District Darbhanga

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Amalendu Shekhar Thakur, Advocate.

For the Opposite Party : Mr. Ram Bilash Roy Raman, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 15-11-2016 Heard both sides.

The petitioners apprehend their arrest in Bahera P.S.
Case No. 415 of 2015 registered for the offences punishable under
Section 302 and other Sections of the Indian Penal Code.

The widow of the deceased named 18 persons and
alleged that all the accused persons surrounded her husband while
she along with her husband was going for preparation of Aadhar
card and assaulted her husband. Sajjan Yadav, petitioner no. 5,
Naresh Yadav and Sanjit Yadav caught the informant and closed
her mouth and assaulted her with fists and slaps. The accused

persons took her husband towards an orchard and assaulted him with lathi, iron rod and other weapons.

Learned counsel for the petitioners submits that the petitioners are innocent and they have, in fact, committed no offence. There is no specific allegation of assault against the petitioners. Santosh Yadav, Amit Yadav and Lalit Yadav are alleged to have assaulted the deceased with iron rod on his head. The doctor found as many as seven injuries on different parts of the body of the deceased but injury no. 4 which is on head is said to be grievous and dangerous to life. Other injuries are simple in nature. The death is due to shock and haemorrhage. It is further submitted that Manoj Yadav was travelling on a train in order to return to his duty. The prosecution side ransacked the house of the petitioners and looted away different articles from the house of the petitioners and others for which Complaint Case No. 277 of 2015 was registered. It is further submitted that there is enmity between the parties. Many petitioners were not present in their village on the date of occurrence, but they have falsely been implicated in the case.

On the other hand, learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that petitioner no.

1, 2, 6 and 8 have got criminal antecedent. There is allegation against all the petitioners that they indiscriminately assaulted the deceased. Altogether seven injuries were found on the persons of the deceased and prayer for regular bail of the similarly situated co-accused have already been rejected by this Court vide order passed in Cr. Misc. No. 34883 of 2016 on 17.10.2016.

Having considered the fact that the petitioners are alleged to have assaulted the husband of the deceased with different weapons such as lathi and other weapons and altogether seven injuries are found on the persons of the deceased, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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