

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52436 of 2015

Arising out of PS.Case No. -92 Year- 2015 Thana -CHHATAPUR District- SUPAUL

1. Naresh Kumar @ Naresh Yadav.  
2. Rajesh Yadav, both are sons of Brahmdeo Yadav, resident of village- Bhagwatpur, P.S.- Chhatapur, Dist.- Supaul.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioners : Mr. Arun, Advocate.  
For the Opposite Party : Mr. Anuradha Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

2 10-02-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 92 of 2015 for the offences instituted under Sections 302, 452 and 380/34 of the IPC.

The prosecution story, in brief, is that on the date and time of occurrence, the informant was sleeping on the *Verandah* of his house. At about 1.30 A.M., he heard cry of his father and came out and saw that accused Brahmdeo Yadav dealt a spade blow on the head of his father with the result his father sustained head injury and blood was oozing and he became unconscious. When the informant ran to save his father this petitioner and other FIR



named accused variously armed surrounded him and accused Brahamdeo Yadav ordered to kill him saying him to be rood of all problems. On his order, all the accused persons caught hold of the informant and started brutally assaulting him and accused Awadhesh Yadav hurled a *farsa* blow which hit on his leg and he sustained cut injury on his leg. The informant has further stated that he sustained several wound on his back, shoulder, leg by lathi. The informant has further stated that in the meantime, three unknown persons entered in his house and took away boxes containing documents of land, cash and other valuables. On hearing, all these hue and cry other family members and villagers came and saved the informant and the informant with the help of his other family members and villagers brought his father to P.H.C. Chhatapur, where the doctor seeing his precarious condition referred the father of informant to Biratnagar for better treatment. The informant took his father to Biratnagar(Nepal) but the doctor of Biratnagar declared him dead there.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case due to land dispute. No specific injury has been attracted against the petitioners nor specific overt act has been alleged against them. The other co-

accused has been granted regular bail by this Court vide Cr. Misc. No. 39226 of 2015.

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

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in Supaul P.S. Case No. 92/2015, pending in the court of the learned S.D.J.M., Supaul. Anyhow, if the petitioners surrender in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order considering the submission made on behalf of the petitioners that the other co-accused has been granted regular bail by this Court vide Cr. Misc. No. 39226 of 2015.

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**(Sudhir Singh, J)**