

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46929 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Mahendra Yadav S/o Late Ramji Yadav
2. Anand Yadav @ Anand Kumar Son of Amar Yadav Both are resident of
Village- Dumari Mahanwa, P.S.- Majhauria, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party : Mr. Anand Mohan Prasad Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-12-2016 Heard both sides.

The petitioners apprehend their arrest in Majhauria P.S.
Case No. 161 of 2016, registered for the offences punishable
under Section 302 and other Sections of the Indian Penal Code.

The informant named five persons including the
petitioners Mahendra Yadav and Anand Yadav @ Anand Kumar
and alleged that Madan Yadav gave blow with spear on chest of
his son Bharat Yadav and his son fell down on the ground. Amar
Yadav also assaulted with spear. Other accused persons are
alleged to have assaulted with Lathi.

Shri Bimlesh Kumar Pandey, learned counsel for the
petitioners submits that from perusal of the post-mortem report it



would appear that the deceased got injury on chest and head and on account of cumulative effect of both the injuries he died. There are three injuries on the person of the deceased. There is no specific allegation of assault against the petitioners. The petitioners are said to have assaulted the deceased with Lathi along with Dinesh Yadav. Dinesh Yadav has already been enlarged on regular bail vide order dated 04.10.2016 in Cr. Misc. No. 42647 of 2016 and the case of the petitioners stands on the same footing.

Mr. Sanjiv Kumar, learned counsel for the informant and learned APP opposed the prayer for anticipatory bail of the petitioners.

It appears that two persons are alleged to have assaulted with spear on chest and head of the deceased. The petitioners and two others are alleged to have assaulted the deceased with Lathi but no injury was found caused by Lathi. Similarly situated co-accused Dinesh Yadav has already been granted regular bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender before the



court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that co-accused Dinesh Yadav has already been granted regular bail.

(Prabhat Kumar Jha, J.)

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