

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46677 of 2015

Arising Out of PS.Case No. -38 Year- 2014 Thana -FATUHA District- PATNA

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1. Badhan Singh @ Badhan Yadav, Son of Late Rampati Yadav.

2. Ramayan Singh @ Ramayan Yadav, Son of Badan Yadav.

Both are residents of Village - Surangapur, P.S. - Fatuha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. A.M.P. Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 29-04-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Fatuha P.S. Case No.38 of 2014, disclosing offences under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the case of these petitioners is on much



better footing than that of co-accused, namely, Brijay Yadav, who has been granted regular bail by the learned court below. It is his submission that no material has been collected, in course of investigation, to indicate that these petitioners were present at the time of occurrence or at the place of occurrence. He further submits that there is no likelihood that the petitioners shall flee away from the course of investigation or trial.

However, considering the gravity of the offence and Supreme Court decision, in case of **"Jai Prakash Singh vs. State of Bihar & Another"**, reported in **(2014) 4 SCC 379**, I am not inclined to grant these petitioners the privilege of anticipatory bail.

Accordingly, this application for anticipatory bail is, hereby, rejected.

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

It goes without saying that the petitioners shall be at liberty to take all such plea, which has been

taken in the present application, for grant of regular bail since I have not gone into the merits of such contention, for purpose of the present application.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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