

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25032 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Yamuna Yadav Son of Late Sadhu Yadav, Resident of Village- Brijjpur ;
Police Station- Noorsarai, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Advocate.

For the Opposite Party : Mr. R.P.S Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-08-2016 Heard both sides.

The petitioner apprehends his arrest in Noorsarai P.S.
Case No. 63 of 2016 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

The informant alleged that his son was living with his
maternal grand father. The informant was going to meet his son in
village Brijjpur. When the informant reached near Sanjay Medical
Hall, Noorsarai at 05:00 p.m. in the evening, he found two persons
were assaulting his son. The informant identifies the assailant as
Shrawan Kumar @ Teni and Yamuna Yadav the petitioner. Both
the accused persons were assaulting his son with stick and Lathi.
The informant brought his son to Patna for treatment but he
succumbed to the injuries.

Learned counsel for the petitioner submits that the petitioner is own brother of the father-in-law of the informant. The petitioner is issueless and in order to grab the land of the petitioner, the petitioner has falsely been implicated in the case.

It appears from the FIR as well as the case diary that the informant and other witnesses have stated that the petitioner brutally assaulted the son of the informant and son of the informant succumbed to the injuries. The post-mortem report also corroborates the version of the informant that on account of assault made by Danda the deceased died.

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

(Prabhat Kumar Jha, J.)

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