

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44989 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -SANDESH District- BHOJPUR

1. Lal Das Yadav, Son of Late Durga Yadav.
2. Arvind Yadav, son of Lal Das Yadav,
Both resident of village- Kusair Maini Tola, P.S.- Sandesh, District-
Bhojpur at Ara (Bihar)..

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. D.P. Tiwary (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-02-2016

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Sandesh P.S.Case No. 72 of 2015 registered for offences
punishabl;e under Sections 302 and 34 of the I.P.C.

The prosecution case as per fardbeyan of one
Vinod Kumar, resident of village- Kusre Maini Ke Tola, P.S.-
Sandesh, District- Bhojpur is that on 14.05.2015 at about 07.00
A.M. the informant along with his father, namely Malechu Yadav
@ Kameshwar Yadav proceeded for Ara Court for giving witness
in the case of his brother namely Pramod Kumar but on that date
the examination of witness did not take place so the informant



along with his father returned home from Ara court at 10.30.A.M. on cycle. As soon as the informant alongwith his father reached Dehri Kumhari River Bridge about 12.00 P.M. via Salempur Gokula road the accused persons namely, Shivji Yadav, Upendra Yadav, Vikrama Yadav, Rajesh Yadav, all sons of Chutur Yadav , Lal Das Yadav, son of late Durga Yadav , Arvind Yadav, son of Lal Das Yadav , Sanjay Yadav, son of Mahendra Yadav and Bigan Yadav , son of Chan ddeo Yadav, all resident of village- Kasre Maini Ke Tola, P.S.- Sandesh, District- Bhojpur, all armed with weapons rushed to kill them. At that time no person was present there. The informant started to flee to save his life but his father fell down from cycle and all the accused persons started to pull him by tying Gamcha (towel) around his neck. The informant ran towardS his village to call the co-villagers but when the informant returned back after some time with the co-villages, he found his father's dead body besides Dehri Bridge near river and a towel was tied and blood was oozing out from his mouth and nose.

It has been submitted by the learned counsel for the petitioners that they are agnates and have been falsely implicated in the aforesaid case.

However, learned A.P.P. for the State submits that the son of the petitioner was taking the deceased on bicycle and the

petitioners are named in the F.I.R.

Under such circumstances, I am not inclined to grant the privilege of anticipatory bail. However, the petitioners may surrender before the Court below and pray for regular bail which will be considered by the learned Court below on its own merit.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--