

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45317 of 2016

Arising Out of PS.Case No. -257 Year- 2012 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Chandsi Yadav S/o - Late Ganesh Yadav, R/o Village- Chaumukha,
P.S.- Yogapatti, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
Mr. Ashutosh Tripathi, Advocate

For the Opposite Party/s : Mr. Sri Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner seeks anticipatory bail in connection
with Yogapatti P.S. Case No. 257 of 2012 instituted for the
offences punishable under Sections 302, 120(B), 427, 379 and
504/34 of the Indian Penal Code and Section 27 of the Arms
Act.

It has been submitted on behalf of the petitioner that
the petitioner is named in the F.I.R., but the allegation of assault
is against the other accused persons.

Heard the learned APP also.

Having heard both sides, in view of the fact that the



petitioner is named in the F.I.R. including under Section 302, which is not proper to grant anticipatory bail to the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly, his such prayer stands rejected in connection with Yogapatti P.S. Case No. 257 of 2012 pending in the court of learned Chief Judicial Magistrate, West Champaran at Bettiah.

However, the petitioner surrenders and seeks prayer for bail before the court below and the court below is directed to consider the same on the basis of materials available on record without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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