

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.41972 of 2016**

Arising Out of PS.Case No. -73 Year- 2016 Thana -BIHPUR District- BHAGALPUR

1. Sandeep Kumar Yadav @ Sanjeev Kumar Yadav, son of  
Satish Prasad Yadav, resident of Village- Gangwana, P.S.-  
Hansdiha, District- Dumka (Jharkhand).

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Md. Sufiyan

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

ORAL ORDER

2 29-09-2016

Heard the parties.

This application, for grant of anticipatory bail,  
arises out of Bihpur (Jhandapur) P.S. Case No. 73 of 2016,  
disclosing offences under Sections 302, 120(B) read with  
Section 34 of the Indian Penal Code and Section 27 of the  
Arms Act.

Since this application arises out of a case  
disclosing offence under Section 302 of the Indian Penal  
Code, I am not inclined to grant the petitioner the privilege  
of anticipatory bail, in view of the Supreme Court decision,

in case of ***Jai Prakash Singh vs. State of Bihar & Another***, reported in ***(2014) 4 SCC 379***.

Learned counsel for the petitioner has attempted to submit that since the petitioner is not named in the First Information Report, he should be allowed anticipatory bail.

However, since the petitioner's name has transpired in course of investigation, the said submission cannot be accepted for the purpose of grant of anticipatory bail.

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

The petitioner, above named, is directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his 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.

**(Chakradhari Sharan Singh, J)**

Praveen-II/-c

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