

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45047 of 2016

Arising Out of PS.Case No. -216 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

=====

1. Bhutti Yadav son of Badari Yadav Resident of Village - Siswa Bairagi,
Police Station - Yogapatti (Nawalpur), District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Smt. Veena Rani Prasad.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 08-03-2017 Heard both sides.

The petitioner apprehends his arrest in Yogapatti (Nawalpur) P.S. case No. 216 of 2016 under Section 307 and other Sections of the Indian Penal Code. Later on Section 302 of the IPC was added after death of Bhagirath Yadav.

The learned counsel for the petitioner submits that, of course, the petitioner is named in the FIR but at the last portion of the FIR omnibus and general allegation of assault is made against the petitioner and other accused persons that they assaulted Birjhan Yadav and Jai Narayan Yadav. It is submitted that 12 persons are alleged to have assaulted Birjhan Yadav and Jai Narayan Yadav but Birjhan Yadav got two injuries and Jai



Narayan Yadav also got simple injuries. There is land dispute between the parties and petitioner is co-sharer of the deceased.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor submitted that petitioner also participated in the alleged murder of Bhagirath Yadav. Many persons were injured. There is allegation against the petitioner that he also assaulted Birjhan Yadav and Jai Narayan Yadav. Dhanai Yadav is alleged to have assaulted the informant and informant got simple injuries but prayer for anticipatory bail of Dhanai Yadav was rejected vide order dated 01.12.2016 passed in Cr. Misc. No. 45926 of 2016 and the case of petitioner stands on the same footing as that of Dhanai Yadav.

Having considered the facts that, of course, the petitioner is not alleged to have assaulted the deceased but he is alleged to have assaulted Birjhan Yadav and Jai Narayan Yadav, who got injuries on different parts of their body, and case of petitioner stands on same footing as that of Dhanai Yadav, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Chief Judicial Magistrate, West Champaran at Bettiah in Yogapatti (Nawalpur) P.S. case No. 216 of 2016, the learned court



below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

BKS/-

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

