

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10438 of 2017

Arising Out of PS.Case No. -85 Year- 2004 Thana -BRAHMPUR District- BUXAR

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1. Dinesh Kumar Yadav @ Dinesh Yadav s/o Hotilal Yadav r/v- Barki
Nainijore, (Lila Baba Ka Dera)

2. Sadhu Yadav

3. Bhuwar Yadav

Both 2 and 3 sons of Bhulai Yadav both r/v- Mahuar, P.s. – Brahmpur
(Nainijore) District - Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

3 13-04-2017 Heard both sides.

The petitioners apprehend their arrest in Brahmpur
(Nainijore) P.S. Case No. 85/2004, registered for the offences
punishable under Section 307 and other sections of the Indian
Penal Code.

The informant named the petitioners along with other
accused persons and alleged that they all assaulted the informant



and his father.

Learned counsel for the petitioners submits that the police after investigation did not find the case true against the petitioners and submitted charge-sheet against other accused persons, the learned Chief Judicial Magistrate, Buxar took cognizance after perusing the charge-sheet against all the accused persons. It is further submitted that only on 22.09.2016, the summon was issued against the petitioners. The petitioners have no knowledge about the institution of the case, but from perusal of the case diary, it appears that the informant and almost all the witnesses have stated that the petitioners and others indiscriminately assaulted the informant and his father. The police raided the house of the petitioners on many occasion, but they were found absconding. Almost all the witnesses were examined, but the Supervising authority without recording the statement of any of the witnesses jumped to the conclusion that the case against the petitioners was not found true and on such the Investigating Officer submitted report under Section 173(2) of the Cr.P.C, but immediately thereafter, in the year 2004, learned Chief Judicial Magistrate, Buxar on the basis of materials available on record found sufficient materials against the petitioners and took cognizance. The case is of the year 2004. The petitioners moved



before this court only after 12 years.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioners above-named on anticipatory bail.

Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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