

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8232 of 2017

Arising Out of PS.Case No. -195 Year- 2015 Thana -FATEHPUR District- GAYA

- =====
1. Basudeo Yadav, son of late Rewa Yadav,
 2. Arvind Yadav, son of Basudeo Yadav,
 3. Karu Yadav, son of Basudeo Yadav, all residents of village - Gohra,
P.S. - Fatehpur, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

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

Mr. Sanjay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-03-2017

Heard learned counsel for the Petitioners and the

State as well as counsel for the informant.

The Petitioners apprehend their arrest in Fatehpur
P.S. Case No.195 of 2015 instituted for the offence under
Section(s) 302/34 Indian Penal Code.

It has been submitted on behalf of the petitioners
that police after investigation submitted Final Report in the case.
Death is said to have been caused by strangulation but the doctor
in the Post Mortem Examination Report has clearly opined that
death appears to be due to chronic infection of lungs and anaemia
added with effect of alcohol.

Case diary has been received.

The learned APP has pointed out about column no.5
of the Inquest Report, wherein, the police did not mention



anything about the injuries found on the person of the deceased at the time of preparation of Inquest Report.

From the written report, it appears that there is land dispute between the parties. There is allegation against these petitioners that they caused death of father of the informant by pressing his neck, but the Post Mortem Examination Report does not support the aforesaid allegation and the police after investigation submitted Final Report in the case. Later on, cognizance was taken by the learned Magistrate after differing with Final Report.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Fatehpur P.S. Case No.195 of 2015, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st class, Gaya, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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