

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44834 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Hira Lal Yadav, Son of Mohar Lal Yadav,
2. Ajay Yadav, Son of Nagendra Yadav,
3. Lal Babu Yadav, Son of Late Tulsi Yadav.
4. Dhurendra Yadav.
5. Jiya Lal Yadav,
6. Perbhu Yadav, all are son of Yogendra Yadav.
7. Jai Prakash Yadav, Son of Prabhu Yadav.
8. Nagendra Yadav, son of Late Kishun Yadav, all are resident of Village-
Jokiari, P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Suresh Prasad Singh

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

ORAL ORDER

5 17-11-2017 Heard both sides.

The petitioners apprehend their arrest in Raxaul P.S.
Case No.37 of 2017 under Section 307 and other Sections of the
Indian Penal Code. Later on, Section 302 of the Indian Penal Code
was added.

The learned counsel for the petitioners submits that the
informant named 10 persons in the F.I.R. and made omnibus and
general allegation that they all assaulted his brother, Shambhu
Pandit with lathi. The villagers came and saved his brother. The



brother of the informant died on 04.03.2017. It is further submitted that only one injury on head was found, therefore, the allegation is not substantiated that all ten persons indiscriminately assaulted the brother of the informant. It is further submitted that during the course of investigation, it has come that ancestor of the petitioner sold 10 dhurs land to the father of the informant. The informant and his brothers partitioned land among their four brothers. The petitioners are also claiming the land thereon and that is why the occurrence took place. It is further submitted that similarly situated co-accused, Mohar Yadav and Kanhaiya Yadav have been granted regular bail by this court vide order passed in Cr. Misc. No.41421 of 2017 and Cr. Misc. No.50020 of 2017 respectively. The case of the petitioner stands on the same footing but on perusal of the F.I.R. and the inquest report as well as post-mortem report, it appears that the informant and witnesses have stated that the petitioners and others indiscriminately assaulted the informant who got injuries on different parts of his body. The inquest report also shows that the deceased got injuries on his legs but in the post-mortem report, doctor found injury only on head.

Since there is specific allegation that the petitioners also assaulted the deceased, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.



If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners on its own merit taking into consideration that two other co-accused persons namely, Mohar Yadav and Kanhaiya Yadav have been granted regular bail by this Court.

(Prabhat Kumar Jha, J)

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