

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20423 of 2017

Arising Out of PS.Case No. -354 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Arjun Yadav, Son of Kokay Yadav, Resident of Village – Sarasandi, P.S. – Gwalpara, District – Madhepura.
 2. Om Prakash Yadav, Son of Arjun Yadav, Resident of Village - Sarasandi, P.S. – Gwalpara, District – Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Suman Kumar Jha, Advocate.

For the Opposite Party : Ms. Renu Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 12-07-2017 Heard both sides.

The petitioners apprehend their arrest in Saharsa Sadar P.S. Case No. 354 of 2016 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The petitioners are named in the FIR. The informant alleged that he came to know that the petitioners and other accused persons killed his brother Lalu Kumar Yadav who was constable in B.M.P. -8 and his dead body was thrown on the railway track.

Learned counsel for the petitioners submits that save and except suspicion, there is no material against the petitioners. Similarly situated co-accused Pappu Kumar @ Pappu Kumar Yadav has been granted anticipatory bail vide order dated 28.09.2016 passed in Cr. Misc. No. 37538 of 2016. Co-accused



Sanjay Kumar Yadav has been granted regular bail vide order dated 08.11.2016 passed in Cr. Misc. No. 36464 of 2016 but from perusal of the case diary it appears that process under Sections 82 and 83 of the Code of Criminal Procedure have already been issued against the petitioners and the petitioners have been declared absconder.

Considering the facts aforesaid and the facts that the petitioners have already been declared absconder, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order taking into consideration that similarly situated co-accused have already been either granted anticipatory bail or regular bail and dispose of the bail petition if possible on the same day.

(Prabhat Kumar Jha, J.)

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