

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45380 of 2017

Arising Out of PS.Case No. -282 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Amresh Yadav @ Amresh Kumar Yadav, Son of Raj Kumar Yadav,
2. Amiri Yadav, Son of Ram Prayag Yadav,
3. Sanjay Yadav, Son of Ram Bilash Yadav, All are resident of Village-
Itharwa Tola Baluahi, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 17-10-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bahera Police Station Case No. 282 of 2015, disclosing offences under Sections 147, 148, 149, 323, 324, 307, 452, 380, 504 and later on Section 302 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, on account of a land dispute, these petitioners have falsely been implicated in this case. These petitioners were not present at the place of occurrence rather they live outside the village. No specific



allegations have been leveled against these petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail and submitted that earlier also the prayer for anticipatory bail has been rejected by a co-ordinate Bench of this Court vide Cr. Misc. No.49119 of 2015 with observation that petitioners should surrender before the court below and seek regular bail but the these petitioners have not surrendered and again moved before this Court with same defense. No fresh ground is available on record to consider the case of these petitioners for grant of anticipatory bail.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to these petitioners. Accordingly, the prayer for anticipatory bail of these petitioners are rejected.

(Arvind Srivastava, J.)

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