

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20743 of 2018

Arising Out of PS.Case No. -175 Year- 2017 Thana -JHAJHA District- JAMUI

- =====
1. Yogendra Yadav, S/o Anurup Yadav, R/o Village- Karma,
 2. Binod Yadav S/o Basu Yadav, R/o Village- Pancha,
 3. Rohit Yadav S/o Ram Charitra Yadav, R/o Village- Katharatand, All are
P.S.- Jhajha, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-04-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated with the written report of Tetar Yadav dated 03.07.2017 submitted to Station House Officer, Jhajha P.S., to the effect that on 02.07.2017 at 12.00 in the night, the father of the informant Rameshwar Yadav was sleeping on cot on the verandah of his house, in the meantime the informant heard sound of gun shot and the screams of his father. Thereafter, he saw five persons



including the petitioners fleeing away. The miscreants were variously armed. It is also alleged that the accused persons due to the land dispute, had made preparation of committing the offence on earlier occasion also which came to the knowledge of the cousin of the informant and thereafter, the accused committed such offence.

It is submitted by the learned counsel for the petitioners that neither the informant nor the father of the informant identified as to who fired and only on suspicion and in the background of land dispute, the accusation has been levelled. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the process under Section 82 Cr.P.C. has been issued on 22.02.2017 and six months thereafter, the application for anticipatory bail has been filed.

Considering the rival submissions of the parties, in view of the fact that process under Section 82 Cr.P.C. has been issued, this Court is not inclined to grant anticipatory bail to the petitioners. But keeping in view the fact that as per the FIR, the informant identified five persons escaping from the scene but none saw them causing injury, moreover, the



informant's father received only two injuries when accusation of assault has been levelled against five persons, hence, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioners surrender before the learned Court below within a period of six weeks in connection with Jhajha P.S. Case No. 175 of 2017 pending in the Court of learned Sub-divisional Judicial Magistrate, Jamui.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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