

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53391 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -JADOPUR District- GOPALGANJ

- =====
1. Amarjeet Yadav, S/o Rudal Yadav,
 2. Baban Yadav S/o Shankar Yadav, Both are R/o Vill. Sapahia, P.S.- Bishampharpur, District- Gopalganj.
 3. Sri Bhagwan Yadav S/o Late Vishwanath Yadav, R/o Vill.- Rampur Tengrahi, P.S.- Yadavpur, District- Gopalganj.
 4. Balkhila Yadav S/o Late Deodhari Yadav, R/o Vill.- Bhagwanpur, P.S.- Nautan , District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Sri Satyendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 12-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Gopalganj Jadopur P.S.

Case No. 48 of 2017 instituted for the offence under Sections-307, 302 & other minor Sections of the Indian Penal Code.

It has been submitted that these petitioners have been falsely implicated in the case because of election dispute. There is allegation against 8 persons in the written report of assaulting the informant who subsequently died.

Counsel for the informant has appeared and submitted that total 10 injuries have been found in the postmortem report, which fully supports the allegation as levelled in the written report. He has further submitted that the FIR has been lodged by the informant himself who



subsequently died and therefore, to some extent, it can also be said that it will be a dying declaration of the informant.

The case diary has been received wherein postmortem report has been enclosed. In the postmortem report, the doctor has found several injuries on the person of the deceased.

In the written report, all these petitioners are named and there is specific allegation against these petitioners of assaulting the informant with iron rod, Lathi, Danda etc. who fell down after sustaining fire arm injury, which has been caused by Kanhaiya Yadav.

In such circumstances, this court does not find it a fit case for grant of anticipatory bail. Accordingly, prayer for anticipatory bail of the petitioners stands rejected.

The petitioners are directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

