

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40506 of 2018

Arising Out of PS. Case No.-13 Year-1998 Thana- KATORIA District- Banka

Fodi Yadav, S/o late Jivalal Yadav, resident of Village- Indodih, Police
Station- Katoria (Jaipur), District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-08-2018 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner apprehends his arrest in Katoria P.S. case no. 13 of
1998, instituted for the offence under Section(s) 147, 148, 149, 302
and 213 of the Indian Penal Code.

In the written report, there is specific allegation against this
petitioner that he along with the other accused persons has brutally
assaulted the son of the informant with *lathi*, *danda* etc. and finally
his dead body was recovered from the house of this petitioner.

Learned counsel for the petitioner has submitted that earlier
with respect to the same occurrence one another case was filed
vide Katoria P.S. case no. 11 of 1998 and in that case after trial two
persons, namely, Raso Yadav and Ganesh Yadav (both are brothers
of informant of Katoria P.S. case no. 13/98) have been convicted by
judgment dated 26.08.2004 under Section 395 of the IPC.



In the instant case, the police has not submitted charge sheet against this petitioner. But learned C.J.M. has taken cognizance against the petitioner.

Case diary has been received.

Learned APP, after looking into the case diary, has submitted that witnesses at several paragraphs of the case diary have levelled specific allegation against this petitioner and have also taken the name of this petitioner.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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