

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39310 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -SHERGHATI District- GAYA

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1. Sadhu Yadav @ Sadho Yadav, aged about 71 Years,
2. Kuldeep Yadav, aged about 54 Years,
3. Challitar Yadav @ Ram Chalitar Yadav @ Ramcharitar Yadav, aged about 53 Years All Sons of Late Somar Yadav, R/o Vill.- Aunrwadohar, P.S.- Dobhi, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajesh Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-08-2018 Earlier the prayer for bail of the petitioner no.1 (Sadhu Yadav @ Sadho Yadav) has already been withdrawn vide order dated 30.7.2018.

Heard the parties.

The petitioner is apprehending his arrest in connection with Sherghatii (Dobhi) P.S.Case No.40 of 2018 registered for offences punishable under Sections 147, 149, 341, 323, 448 and 302 of the Indian Penal Code.

Allegation against the petitioner nos. 2 and 3 (Kuldeep Yadav and Challitar Yadav @ ram Chalitar Yadav @ Ramcharitar Yadav respectively) is that they have assaulted the wife of the informant due to which bleeding started from her private part.



Submission of the learned counsel for the petitioner is that the informant and the petitioners are own brothers and there is land dispute between the parties and moreover para 21 of the case diary discloses that the cause of death is liver and spleen disease.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the injuries were found on the person of the deceased.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of the anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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