

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52736 of 2018

Arising Out of PS. Case No.-110 Year-2017 Thana- PARAIYA

District- Gaya

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Jitendra Yadav @ Jitendra Kumar S/o Govardhan Yadav @
Parmeshwar Yadav, R/o Vill.- Boknari, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv

For the Opposite Party/s : Mr. Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 29-10-2018 The petitioner seeks bail in anticipation of his arrest in connection with Paraiya P.S. Case No. 110 of 2017 dated 03.08.2017 which was initially instituted for the offences under Sections 341, 323, 325, 427, 307, 504, 506, 34 of the Indian Penal Code but with the death of the deceased, Section 302 I.P.C was added later.

Because of a dispute over watering of field, an occurrence took place in which the petitioner along with two others are said to have assaulted the deceased by means of lathi.

Mr. Manish Kumar-II, learned advocate appearing



on behalf of the petitioner has drawn the attention of this Court to the postmortem report which though suggests that the death was because of *ante-mortem* injuries which led to intracerebral hemorrhage but has submitted that there is no assault or corresponding injury on any part of the head of the deceased. Apart from this, learned counsel for the petitioner has also urged that there is no specific accusation against anyone of the accused persons including the petitioner and because of prior dispute with respect to watering of field, the petitioner has been falsely implicated along with two other accused persons.

However, this Court has been informed that two other accused persons with similar allegation were arrested and have been granted regular bail.

This Court is not desirous of giving any separate treatment to the petitioner as well.

Considering the aforesaid facts, the prayer for bail of the petitioner is rejected. However, if the petitioner surrenders within a period of four weeks from today and prays for bail, his case shall be considered by the learned



Court below in correct perspective specially that other similarly situated accused persons have been granted bail and he shall pass order in accordance with law without being prejudiced by the fact that the present anticipatory bail petition has not been entertained.

(Ashutosh Kumar, J)

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