

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17210 of 2019**

Arising Out of PS. Case No.-88 Year-2008 Thana- PARASBIGHA District- Jehanabad

1. MITHILESH YADAV @ CHITRANJAN YADAV Son of Baijnath Yadav Resident of Village - Bala Bigha (Wrongly mentioned Vill - Dehe in F.I.R.), P.S.- Paras Bigha, Distt - Jehanabad.
2. Chintu Kumar Son of Birjan Mistri Resident of Village - Bala Bigha (Wrongly mentioned Vill - Dehe in F.I.R.), P.S.- Paras Bigha, Distt - Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 03-05-2019 This application, for grant of anticipatory bail, arises out of S. Tr. No. 279/2018/163/2018 (Arising out of Paras Bigha P.S. Case No. 88 of 2008), disclosing offences under Sections 302, 201/34 of the Indian Penal Code.

Allegation as per F.I.R is that son of the informant was playing at the door of his house and four persons including petitioner was sitting in the house of Ram Pravesh Bind after sometime, informant came out from the house and did not find his son as well as the persons sitting in the house of Ram Pravesh Bind and when he went to the house of Tetari Devi and and Malti Devi, they demanded Rs. 10,000/- to hand over the child. On 04.07.2018, his village Kusumi Devi told that she



saw Santosh Yadav and Baijnath Yadav were throwing his child and when she went there, they fled away and on that information informant went there and found the dead body of his son lying in the field of Arjun Raut near the bank of Morhar river and his both legs were amputated and also there was injury on his head and right eye.

Submission of learned counsel for the petitioners is that in this case earlier final form was submitted by the police but cognizance has been taken by learned Magistrate and further no role has been assigned to the petitioners and they have falsely been made accused in this case.

Learned counsel for the State opposed the prayer for bail and submitted that in this case process under Section 82 and 83 Cr.P.C. has already been exhausted. To which, learned counsel for the petitioners submitted that they never summon or any warrant and as such process under Section 82 and 83 Cr.P.C. is itself bad.

Having heard both sides, in view of the fact that process under Section 82 and 83 Cr.P.C. has already been initiated, I am not inclined to grant the privilege of anticipatory bail to the petitioners rather petitioners should surrender before the court below and make prayer for regular bail and if any such



application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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