

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26879 of 2019

Arising Out of PS. Case No.-471 Year-2014 Thana- BIHTA District- Patna

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1. Baijnath Yadav, aged about 101 years, Male, Son of Late Ramdeo Yadav Resident of Village Doghara Tola, Chilkapar, P.S. Bihta, District Patna.
 2. Angad Yadav @ Angad Kumar, aged about 26 years, Male, Son of Bholi Yadav, Resident of Village Doghara Tola Chilkapar, P.S. Bihta, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-04-2019 Learned counsel for the petitioners submits that Baijnath Yadav, petitioner no. 1 died during the pendency of this petition.

In this view of the fact, the prayer for anticipatory bail petition of petitioner no. 1, Baijnath Yadav is dismissed as has become infructuous.

Heard both sides.

Petitioner no. 2 apprehends his arrest in Bihta P.S. Case No.471 of 2014, registered under Section 307 and other Sections of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are of course named in the FIR but no specific allegation of assault is made against the petitioners. Ajay Kumar is alleged to have put the informant down on the ground and on such Pramod Kumar assaulted the informant with iron rod on his head. Other



accused persons including the petitioners are alleged to have assaulted the informant but police after investigation submitted final form finding the accusation against the petitioner false but later on the learned Judicial Magistrate also took cognizance against the petitioners differing with the finding of the Investigating Officer but petitioner did not move for grant of bail. It is further submitted that now the process under Sections 82 and 83 have already been issued.

Taking into consideration that since the process under Sections 82 and 83 have already been issued, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is rejected.

If the petitioner no.2 surrenders in the court below, the learned court below shall consider the facts that the police after investigation did not find accusation against the petitioner true and submitted final form and consider the prayer for bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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