

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76254 of 2018

Arising Out of PS. Case No.-108 Year-2017 Thana- KAKO District- Jehanabad

Umesh Yadav, Son of Ramanand Yadav, Resident of village-Chandaura Tola
Mohan Bigha, P.S. Kako, District-Jehanabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 77143 of 2018

Arising Out of PS. Case No.-108 Year-2017 Thana- KAKO District- Jehanabad

Shailesh Yadav, son of Ramanand Yadav, Resident of village-Chandaura Tola
Mohan Bigha, P.S. Kako, District-Jehanabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76254 of 2018)

For the Petitioner/s : Mr.Soni Shrivastava

For the Opposite Party/s : Mr. Bharat Lal

(In CRIMINAL MISCELLANEOUS No. 77143 of 2018)

For the Petitioner/s : Mr.Soni Shrivastava

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 29-04-2019 Both the aforesaid applications arise out of the Kako P.S. Case No. 108 of 2017 registered under Sections 147, 148, 149, 307, 341, 326, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

Heard leaned counsel for the petitioners and the
leaned A.P.P. for the State.



The petitioners apprehend their arrest in connection with Kako P.S. Case No. 108 of 2017 registered under Sections 147, 148, 149, 307, 341, 326, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Ac, pending in the court of the J.M. 1st Class, Jehanabad.

The accusation is that while Roshan Kumar along with his uncles Manoj Kumar and Amar were returning from Sadar hospital, Jehanabad then in the way, 11 persons named in the F.I.R., including the petitioners under conspiracy surrounded the informant and his uncle Manoj Kumar and on the order of Khirodhar Yadav, Shailesh Yadav and Umesh Yadav (Petitioners) caused injury by means of Khanti on the head of Manoj Yadav in which he received blood oozing injury. At that time, Rajesh Yadav and Pintu Yadav also caused injury by means of iron rod at the hand of Manoj Yadav. Later on, Manoj Yadav died in course of treatment.

Learned counsel appearing on behalf of petitioners submits that while the petitioners are named in the F.I.R along with other with specific allegation of causing injury to Manoj Yadav, uncle of the informant, but after investigation while Police submitted Chargesheet against other accused named in the F.I.R., but Final Form was submitted against the petitioners,



but differing with the Final Form cognizance of the offence under the aforesaid Section has been taken against the petitioners.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioners are directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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