

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4744 of 2018**

Arising Out of PS. Case No.-56 Year-2018 Thana- BITHAN BAZAR District- Samastipur

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1. Indradev Yadav
2. Vishnu Yadav @ Vishundev Yadav, Both Sons of Late Ganeshi Yadav  
Resident of Village-Tetrahi,P.S. Bithan,Distt.-Samastipur

... .. Appellants

Versus

1. State Of Bihar
2. Rohit Tanti, Son of Late Tilu Tanti, Resident of Village-Tetrahi,P.S.  
Bithan,Distt.-Samastipur

... .. Respondents

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**Appearance :**

For the Appellant/s : Mr.Vijay Anand, Advocate  
For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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

**Date : 22-02-2019**

This appeal is for grant of pre-arrest bail to the appellants against the order dated 5.10.2018 passed by Additional District Judge-I, Samastipur, in A.B.P. No. 2133 of 2018 filed by the appellants by which learned District Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Bithan P.S.Case No. 56 of 2018, registered under Sections 302, 323, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they came at the darwaja of the informant and started abusing his father and assaulted him by fists and slaps and when his mother came to rescue him she was also dashed and fell down and thereafter they have strangled the father of the informant, due to which he died.

Submission of learned counsel for the appellants is that FIR itself shows that there was land dispute between the parties and allegations are



general and omnibus in nature and post mortem report does not support the prosecution case.

Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the appellants, rather they should surrender and make prayer for regular bail, which shall be considered on the basis of materials available on the record and, if possible, to be disposed of on the same day.

With the above observation, this appeal is disposed of.

**(Vinod Kumar Sinha, J)**

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