

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34091 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- PHULPARAS District- Madhubani

1. BHOLAR YADAV @ BHOLAT YADAV Son of Dev Narayan Yadav Resident of Village- Hanuman Nagar, P.S.- Phulparas, District- Madhubani.
2. Ravindra Yadav Son of Tanuk Lal Yadav Resident of Village- Hanuman Nagar, P.S.- Phulparas, District- Madhubani.
3. Upendra Yadav Son of Thakai Yadav Resident of Village- Hanuman Nagar, P.S.- Phulparas, District- Madhubani.
4. Pankaj Kumar @ Pankaj Yadav Son of Rajiv Yadav Resident of Village- Mahthour Khurd, P.S.- Phulparas, District- Madhubani.
5. Amod Yadav Son of Late Ramraji Yadav Resident of Village- Mahthour Khurd, P.S.- Phulparas, District- Madhubani.
6. Rajiv Yadav Son of Late Nasiba Lal Yadav Resident of Village- Mahthour Khurd, P.S.- Phulparas, District- Madhubani.
7. Bidyanand Yadav Son of Baua Lal Yadav Resident of Village- Mahthour Khurd, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Phularas P.S.Case No.148 of 2018 dated 14.7.2018 registered for offences punishable under Sections 147, 148, 149, 341, 323, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that the deceased was surrounded by



the petitioner and other accused persons and one Ranjeet Yadav fired causing his death. It further appears that the petitioner have criminal antecedent as they are accused in a large number of cases.

Submission of the learned counsel for the petitioner is that the materials collected during the investigation discloses that none of the witnesses have made any specific allegation of assault against any of the petitioners and they have been named only as the person who have surrounded the deceased and the allegation is against one Ranjeet Yadav as well as one of the co-accused has been granted bail by this Court. So far antecedent is concerned, it has also been submitted that earlier they were accused in a case under Section 379 of the IPC and they have been falsely implicated in this case due to dispute between one Sudhir Yadav and the deceased.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail..

Having heard both sides and in view of the facts and circumstances, as stated above, and also considering the antecedent of the petitioners as well as the fact that one of the co-accused has been granted bail, I am not inclined to grant privilege of anticipatory bail to the petitioners, however, the



petitioners may surrender and pray for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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