

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48671 of 2019

Arising Out of PS. Case No.-176 Year-2007 Thana- KATORIYA District- Banka

Ganesh Yadav @ Ganesh Prasad Yadav Son of Late Thakur Yadav @ Thakur Prasad Yadav, Resident of Village - Pipradih, P.S.- Katoria/Katoriya, District-Banka

... .. Petitioner/s

Versus

The State Of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-08-2019 Heard both sides.

The petitioner apprehends his arrest in Katoria P.S. Case No.176 of 2007 registered under Section 307 and other sections of the Indian Penal Code.

The informant named four persons including the petitioner and alleged that Shankar Yadav assaulted his brother Saryun Yadav with tangi. When the informant and his sister-in-law (bhabhi) Taramuni Devi came to save, the accused persons also assaulted the informant and his sister-in-law and the petitioner snatched the ornament from her possession. The brother of the informant was sent to P.M.C.H. for treatment.

Learned counsel for the petitioner submits that the police after investigation found accusation against the petitioner false and submitted final form but the learned Judicial Magistrate took cognizance for the offences under section 307



and other sections of the I.P.C. on 01.12.2012. The petitioner very recently came to know that he has been summoned. It is submitted that the other accused persons are on bail and there is no allegation of assault against the petitioner.

From perusal of record, it appears that the case is of the year 2007. Cognizance against the petitioner was taken on 01.12.2012 and the petitioner has not been appearing in court since long.

Having considered the facts that the petitioner moved for anticipatory bail after twelve years from the date of institution of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the facts that other accused persons have already been granted bail and there is no allegation of assault against the petitioner and dispose of the bail petition preferably on the same day, if possible.

(Prabhat Kumar Jha, J)

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