

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59050 of 2019

Arising Out of PS. Case No.-51 Year-1989 Thana- MANSI RAIL P.S. District- Khagaria

1. Jawahar Yadav @ Jawahar Prasad Yadav, Son of Narayan Yadav Resident of Village-Salkhua, P.S-Salkhua, District-Saharsa.
2. Narayan Yadav @ Narayan Prasad Yadav, Son of Late Anuragi Yadav Resident of Village-Salkhua, P.S-Salkhua, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Khargaria Mansi G.R. P.S. Case No. 51 of 1989, registered under Sections 147, 148, 149, 302, 379 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of J.M. Ist Class, Saharsa.

The accusation is that informant along with his uncle, Nageshwar Prasad Yadav and others reached at Koparia Station through passenger Train in the evening of 08.08.1989 and saw that 15 persons named in the F.I.R. including the petitioners having pistol, rod and lathi standing on the platform.



At that time, Anuragi Yadav identified his uncle, Nageshwar Yadav and order to kill him. Thereafter, Diwakar Yadav, Lalmohan Yadav, Ramdeo Yadav and Musudan Choudahry caught hold the leg and waist and Bijay Singh, Badri Yadav and Rajendra Yadav caught hold the hand of his uncle, Nageshwar Yadav. In the meantime, Narayan Yadav (petitioner no.2) fired at the neck and Ashok Yadav and Madhav Yadav also fired at the back of his uncle, Nageshwar Yadav, in which, he fell down. Thereafter, they took briefcase and snatched wrist watch of his uncle and fled away.

Learned counsel for the petitioners submits after institution of the present case in the year 1989, on investigation the police submitted the charge sheet against Madhav Yadav continuing the investigation against rest accused and subsequently, final form was submitted and deferring with the final form, the learned Chief Judicial Magistrate, Saharsa, took cognizance against rest accused including the petitioners. The aforesaid order was challenged by these petitioners and others in Criminal Misc. No. 12609 of 1992 and other co-accused also filed Criminal Misc. No. 9795 of 1991, in which, further proceeding in the court below was stayed but both were disposed of as appears from the order dated 18.06.2019 passed



in A.B.P. No. 362 of 2019 by the Sessions Judge, Saharsa, whereby the pre-arrest bail of the petitioners was refused and thereafter, warrant of arrest and process 82,83 Cr.P.C. have already been issued 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)

Bhardwaj/-

U		T	
---	--	---	--

