

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69816 of 2018**

Arising Out of PS. Case No.-8 Year-2018 Thana- BITHAN BAZAR District-
Samastipur

- =====
1. Mukesh Yadav Son of Late Ram Adhar Yadav,
 2. Jiwachh Yadav, Son of Nandan Yadav,
 3. Pandav Yadav @ Pandav Kumar Yadav, Son of But Yadav @ Shiv Shankar Yadav, All are resident of Village- Sihma, P.S.- Bithan, District- Samastipur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Abhay Shankar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Bithan P.S. Case No. 08 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the accusation against the five accused persons including the three petitioners of making indiscriminate firing is general and omnibus in nature. It is submitted that the F.I.R. has been instituted by Kari Devi, wife of Ram Pravesh Yadav in the backdrop of earlier Bithan P.S. Case No. 166 of 2017 who



was the younger brother of petitioner no. 1 alleging his abduction and killing, in the course of investigation of which the name of the prosecution side had transpired. The petitioners have been made accused in one prior case in Hasanpur P.S. Case No. 159 of 2017 of different nature.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition. It is submitted that the *post mortem* report corroborates the accusation of firing by the accused persons. The inquest report discloses as many as four bullet injuries on the body of the deceased. Learned counsel for the informant has further submitted that the petitioners have also been made accused subsequently in Barauni P.S. Case No. 480 of 2018 and it is alleged in that F.I.R. that the petitioners had opened fire upon the informant's side of that case at the Simriya Shamshan Ghat when they had gone for cremation.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioners. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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