

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24866 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- GAMAHAIRIYA District- Madhepura

1. SANJAY YADAV S/o Devan Yadav Resident of Village-Ekwa, P.S.-Gamharia, District-Madhepura.
2. Sitaram Yadav S/o Laddu Yadav Resident of Village-Kamalijari, P.S.-Gamharia, District-Madhepura.
3. Pradeep Yadav @ Pradeep Kumar Yadav S/o Sitaram Yadav Resident of Village-Kamalijari, P.S.-Gamharia, District-Madhepura.
4. Nitish Yadav @ Nitish Kumar S/o Sitaram Yadav Resident of Village-Kamalijai, P.S.-Gamharia, District-Madhepura.
5. Bhuvan Kumar @ Bhushan Yadav @ Bhubhan Yadav S/o Sitaram Yadav Resident of Village-Kamalijari, P.S.-Gamharia, District-Madhepura.
6. Shivram Yadav @ Shivram Kumar S/o Shatrughan Yadav Resident of Village-Ratanpur, P.S.-Ghailardh, District-Madhepura.
7. Chandan @ Chandan Yadav @ Bausuk Yadav S/o Late Domi Yadav @ Teni Yadav Resident of Village-Etwa Kamalijari, P.S.-Gamharia, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Rakesh Singh, Adv
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-10-2020 Heard Mr. Krishna Pd. Singh, learned senior counsel

for the petitioners and Mr. Akshay Lal Pandit, Additional Public

Prosecutor for the state through video conferencing.

2. Learned senior counsel submits that during

pendency of this application, petitioner no.3, Pradeep Yadav @

Pradeep Kumar Yadav has been arrested and accordingly, this

application for anticipatory bail has become infructuous as



against petitioner no.3.

3. As such, learned senior counsel seeks permission to withdraw this application for anticipatory bail in connection with petitioner no.3, Pradeep Yadav @ Pradeep Kumar Yadav.

4. The permission is accorded and the application for anticipatory bail in connection with petitioner no.3, Pradeep Yadav @ Pradeep Kumar Yadav is dismissed as withdrawn.

5. Petitioners no. 1, 2, 4, 5, 6 and 7 apprehend their arrest in connection with Gamharia PS Case No. 128/2019 registered for the offence punishable under Sections 302/34 of the IPC.

6. The allegation against the petitioners, as per FIR, is that the informant along with deceased, Ravindra Yadav had gone for irrigating his land, meanwhile, all the accused persons including these petitioners arrived there, started assaulting and abused them leading to the death of Ravindra Yadav.

7. Learned senior counsel for the petitioners submits that petitioners have falsely been implicated in this case and there is general and omnibus allegation against all the petitioners. Learned counsel further submits that during course of investigation, several witnesses have stated that due to thundering and lightening the deceased had died and the said



witnesses further disclosed that due to land dispute between the parties, these petitioners were implicated in this case.

8. Learned counsel next submits that the police, after investigation, submitted the final form and due to lack of evidence, the petitioners were not sent for trial. However, learned court below differed with the final form and took cognizance against these petitioners.

9. It is further submitted that postmortem report does not support the prosecution story.

10. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that police, after investigation, submitted the final form and due to lack of evidence, the petitioners were not sent for trial, I am inclined to grant anticipatory bail to the petitioners.

10. Accordingly, petitioners no.1, SANJAY YADAV, 2. SITARAM YADAV, 4. NITISH YADAV @ NITISH KUMAR, 5. BHUVAN KUMAR @ BHUSHAN YADAV @ BHUBHAN YADAV, 6. SHIVRAM YADAV @ SHIVRAM KUMAR and 7. CHANDAN @ CHANDAN YADAV @ BAUSUK YADAV respectively, shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Smt. Surabhi Srivastava, Judicial Magistrate 1st Class, Madhepura in connection with Gamharia PS Case No. 128/2019, subject to the conditions as laid down under Section 438(2) CrPC.

11. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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