

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27883 of 2020

Arising Out of PS. Case No.-230 Year-2018 Thana- BELHAR District- Banka

Sanjay Yadav, S/o Tufani Yadav Resident of Village-Daulbandh, P.S.-Belhar,
District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate.

For the Opposite Party/s : Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-11-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Belhar P.S. Case No. 230 of 2018, registered under Sections 307, 323, 341 and 504/34 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code has been added, pending in the court of Chief Judicial Magistrate, Banka.

The accusation is that on 11.08.2018, at about 10.30



P.M., informant, Jawahar Yadav, was sitting at his door, at that time, petitioner, in drunken state, came there and started to abuse. When the informant made protest then petitioner started to cause assault through lathi. In the meantime, his family members came there and save him. The cause of occurrence is that petitioner wants to make path from his land but he made protest.

Learned counsel for the petitioner submits that while the present case has been lodged by the informant, Jawahar Yadav, but unfortunately, informant died after four days of the occurrence in course of treatment and thereafter, Section 302 of the Indian Penal Code has been added.

Having considered the facts that petitioner is assailant of the informant, who died after four days of the occurrence, in course of treatment, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within six 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)

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