

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65927 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Yogendra Yadav @ Jogindra Yadav, Son of Ramdeo Yadav Resident of Village - Bhaisahi Kodar, P.S.- Manjhagarh, District - Gopalganj.
2. Umesh Yadav Son of Ramdeo Yadav Resident of Village - Bhaisahi Kodar, P.S.- Manjhagarh, District - Gopalganj.
3. Balister Yadav Son of Ramdeo Yadav Resident of Village - Bhaisahi Kodar, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Adv.
For the State	:	Mr. Ashraf Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 25-06-2020 Heard learned counsel appearing for petitioners as well as learned Additional Public Prosecutor appearing for State through video conferencing.

Petitioners apprehend their arrest in connection with Manjhagarh P.S. Case No. 373 of 2018 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 504, 302 of the Indian Penal Code.

At the very outset, learned counsel appearing for petitioners submits that petitioner No. 2 namely Umesh Yadav has already been arrested during pendency of this anticipatory bail petition and his prayer for anticipatory bail has become infructuous.

Accordingly, the prayer for anticipatory bail of



petitioner No. 2 namely Umesh Yadav stands dismissed being infructuous.

The petitioner No. 1 namely, Yogendra Yadav and petitioner No. 3 namely, Balister Yadav apprehend their arrest in connection with Manjhagarh P.S. Case No. 373 of 2018 initially registered under Section 307 and other minor Sections of the Indian Penal Code but subsequently, on account of death of one of the injureds ,namely, Paras Sahni, Section 302 of the Indian Penal Code was added.

Submission on behalf of the aforesaid petitioners is that no specific allegation of assault has been levelled against the above stated petitioners and co-accused Satyendra Kumar, against whom there is specific allegation of giving sword blow on the deceased, has already been granted regular bail. He further submits that moreover, there is case and counter case between the parties and persons from both the sides sustained injuries.

Regard being had to the above stated facts and circumstances as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to petitioner No. 1 namely Yogendra Yadav @ Jogindra Yadav and petitioner No. 3 namely Balister Yadav and, accordingly, their prayer for bail stands rejected.

However, it is made clear that at the time of consideration of regular bail application of the above stated petitioners by a competent Court, this order shall not cause any prejudice and the concerned Court while passing order



on regular bail of the aforesaid petitioners shall keep in mind the factum of counter case as well as this aspect of the matter that FIR named accused Satyendra Kumar has already been granted bail by Court.

(Hemant Kumar Srivastava, J)

GAURAV S./-

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

