

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73893 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- TANKUPPA District- Gaya

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1. Hari Nandan Yadav (Male) , aged about 47 years
 2. Ravindra Yadav (Male), aged about 40 years
Both Sons of Nanhku Yadav
Resident of Village- Darjiya Chak, Police Station- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P. Sinha, Sr. Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-03-2020 Heard Mr. Bakshi S.R.P. Sinha, learned senior counsel

for the petitioners, Mr. Rabindra Kumar, learned counsel

appearing for the informant and learned Additional Public

Prosecutor for the State.

Petitioners apprehend their arrest in connection with

Tankuppa P.S. Case No. 29 of 2019 registered for the offence

under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian

Penal Code, 1860 and Section 27 of the Arms Act.

The allegation against the petitioners is that the

petitioners along with other accused persons assaulted the son of

the informant- Sanjay Kumar brutally on his head leading to his

death.



Mr. Bakshi S.R.P. Sinha, learned senior counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case with oblique motive inasmuch as the petitioners have not committed any offence in the manner alleged. Learned senior counsel referring to paragraph nos. 12 & 13 of the case diary submits that the injuries caused to the deceased was due to the brick-batting between the parties and one of the bricks hit the deceased causing his death.

On the other hand, Mr. Rabindra Kumar, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that petitioners are named in the First Information Report. Learned counsel further submits that there is direct allegation against the petitioners that they have assaulted the son of informant by means of *lathi*, *danda*, iron rod etc. on his head and the post-mortem report corroborates the allegation inasmuch the deceased has died due to head injuries caused by hard and blunt substance. Learned counsel further submits that the brother of the deceased- Rajiv Yadav, who is also a injured witness, has supported the prosecution case.

Learned counsel appearing for the State also opposes



the prayer for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioners are named in the F.I.R. and there is allegation of assault against them on the head of the deceased by means of *lathi*, *danda*, iron rod etc., I am not inclined to grant anticipatory bail to the petitioners.

The petition is rejected.

(Anil Kumar Sinha, J)

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