

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79518 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- JHAJHA District- Jamui

JANKI YADAV Son of Late Jitan Yadav Resident of Village - Baijla, P.S.-
Jhajha, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Khelawan Yadav Son of Late Bideshi Yadav Resident of Village - Baijla,
P.S.- Jhajha, District- Jamui
3. Panchwa Devi Wife of Khelawan Yadav Resident of Village - Baijla, P.S.-
Jhajha, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner as well as
learned APP for the State.

This application has been filed for cancellation of anticipatory bail granted to the Opposite Party Nos.2 and 3 vide order dated 06.09.2019 passed in ABA No.755 of 2019 by the learned Additional District & Sessions Judge-III, Jamui in a case under Section 307 and other allied Sections of the IPC but later on after the death of the deceased, Section 302 has also been added.

As per prosecution case, the Opposite Party Nos.2 and 3 has assaulted the deceased by axe causing injury to the father



of the informant who died later on.

Submission of learned counsel for the petitioner is that the doctor has found four injuries on the person of the deceased and two of them are grievous in nature but in spite of that learned Additional Sessions Judge has granted anticipatory bail to the petitioner on the ground that postmortem report does not show any injury and the cause of death could not be ascertained. The petitioner has challenged the authenticity of the postmortem report.

Heard learned APP and perused the impugned order from which it appears that the learned Additional Sessions Judge, Jamui considering the fact that postmortem report does not show any internal or external injury on the persons of the deceased, granted anticipatory bail to the Opposite Party Nos.2 and 3. The postmortem report is also annexed with this application as Annexure-5 which also shows that no external or internal injury was found on the person of the deceased and the cause of death could not be ascertained. No doubt, it appears from the injury report filed by the petitioner that there were four injuries on the person of the deceased but even from the injury report, it appears that those injuries were found on the below knee, thumb and on the teeth, but there is no averment that the



above injury report was available on record or not.

Considering the above, this is not a case of cancellation of bail of the Opposite Party Nos.2 and 3. There is also no allegation of tampering with the evidence or of misusing of privilege of bail.

In view of the above, I am not inclined to interfere with the order granting anticipatory bail to the Opposite Party Nos.2 and 2. Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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