

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81459 of 2019

Arising Out of PS. Case No.-145 Year-2017 Thana- BIKRAM District- Patna

1. RABINDRA YADAV Son of Kamla Yadav Resident of Nizampur Tola, P.S.- Bikram, District- Patna.
2. Kamlesh Yadav Son of Rabindra Yadav Resident of Nizampur Tola, P.S.- Bikram, District- Patna.
3. Tetar Yadav @ Tetar Kumar Son of Baban Yadav Resident of Nizampur Tola, P.S.- Bikram, District- Patna.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Prem Ranjan Kumar, Advocate.
For the State	:	Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 22-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Bikram P.S. Case No.145 of 2017 registered under Sections 302, 120(B), 307, 325, 341 and 323/34 of the Indian Penal Code, pending in the court of the Additional Sessions Judge-II, Danapur, District-Patna.

The accusation is that in the evening of 06.06.2017, Nagendra Prasad, the son of the informant Laldeo Prasad, was going towards his field. In the way, 9 persons, named in the F.I.R., including the petitioner variously armed with weapons



surrounded the son of the informant and started to cause assault him. At that time, Borik Yadav alias Ashok Yadav gave iron rod blow at the head of the son of the informant, due to which he fell down having sustained injuries, and, thereafter, Borik Yadav alias Ashok Yadav also ordered to kill the son of the informant. Thereafter, the son of the informant was rushed for treatment at P.H.C. Vikram, from where he was referred to P.M.C.H., Patna, and he died in course of treatment.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that while the petitioners along with others are named in the F.I.R. but the specific allegation is against the co-accused Borik Yadav alias Ashok Yadav, who gave iron rod blow at the head of the son of the informant. No specific overt act is attributed to the petitioners. Further submission is that while, on investigation, the police submitted the final form against the petitioners but the learned cognizance taking court, differing with the final form, took the cognizance of the offence against the petitioners.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of



anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall 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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