

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85528 of 2019

Arising Out of PS. Case No.-411 Year-2019 Thana- SIRDALA District- Nawada

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1. Sanjay Yadav, aged about 37 years, Son of Kapil Yadav.
 2. Jilendra Yadav @ Jitendra Yadav, aged about 32 years, Son of Kapil Yadav.
 3. Gopal Yadav, aged about 35 years, Son of Kapil Yadav.

All are resident of Village - Dubri Bigha, P.S. - Sirdalla, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 15-06-2020 Heard Mr. Raj Kumar, learned counsel for the
petitioners and learned APP for the State.

Learned counsel for the petitioners has informed
this Court that during the pendency of this petition,
petitioner No. 1/Sanjay Yadav has been arrested.
Accordingly, he seeks permission to withdraw this petition
with respect to petitioner No. 1.



Permission is granted.

The petition with respect to petitioner No. 1/Sanjay Yadav stands dismissed as withdrawn as having become infructuous.

Petitioner Nos. 2 and 3 seek bail in anticipation of their arrest in connection with Sirdalla P.S. Case No. 411 of 2019, dated 23.09.2019, instituted for the offences under Sections 147, 148, 149, 326, 302 and 120(B) of the Indian Penal Code.

It has been urged on behalf of the petitioners that though they are named in the First Information Report, but the informant is not an eye-witness to the occurrence. Apart from this, it has been argued that there was an earlier litigation between the parties with respect to the killing of the mother of the petitioners. The present case is an offshoot of the earlier litigation. It has further been argued that because of some dispute with respect to passage of land, the petitioners have been falsely implicated in this case.

However, these grounds do not weigh with this



Court for grant of anticipatory bail to the petitioners, who have been named in the F.I.R. with specific accusation.

The prayer for grant of anticipatory bail of petitioner Nos. 2 and 3 is, accordingly, rejected.

However, if petitioner Nos. 2 and 3 surrender before the Court below and seek regular bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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