

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5441 of 2020

Arising Out of PS. Case No.-544 Year-2019 Thana- BANKA District- Banka

1. Hirakant Jha Son of Late Nawal Kishore Jha R/o Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
2. Kedar Yadav Son of Late Mani Yadav @ Maino Yadav R/o Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
3. Hira Yadav @ Hira Lal Yadav Son of Late Govind Yadav R/o Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
4. Arun Singh @ Arun Ram Son of Panchi Ram @ Pancho Singh R/o Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
5. Gopi Yadav Son of Late Bhupo Yadav @ Late Bhupa Yadav R/o Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
6. Pappu Yadav Son of Mugni Yadav @ Sushil Yadav R/s Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
7. Saket @ Laddu Yadav Son of Santlal Yadav @ Satlal Yadav R/s Jethor Kakaria, P.S.- Barahat, Distt.- Banka.
8. Raja Ram Rai Son of Sahan Rai @ Rajani Rai R/o Patharkudia, P.S.- Barahat, Distt.- Banka.
9. Manoj Yadav @ Manoj Kr. Yadav Son of Saryug Yadav R/o Ammatikar, P.S.- Barahat, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 03-11-2021 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

The alleged allegation is related to the offences punishable under Sections 147, 148, 149, 323, 324, 307, 504, 342, 341 of the Indian Penal Code read with Section 27 of Arms Act and Section 3 & 4 of Explosive Substance Act.



The court below has taken note of the factual aspect of the matter and the fact that the offences are serious in nature and each of the petitioners' role is required to be examined in the investigation so as to find out allegations related to the offences.

By order dated 02.03.2020 petitioners had been granted interim protection that no coercive steps will be taken against them, which has hampered the investigation. The Apex Court in the case of *Nathu Singh Vs. State of U.P.* reported in *(2021)6 SCC 64* and in the case of *Sushila Aggarwal & Ors. Vs. State (NCT of Delhi) & Anr.* reported in *(2020)5 SCC1* has held that interim protection shall not be extended in respect of heinous offences.

Learned counsel for the petitioners submitted that petitioner no. 2 has benefit of bail in respect of identical offences.

Such contentions cannot be pressed in view of the decision of the Apex Court (Supra).

Having regard to the offences in the present case, which are related to heinous crime, no case for grant of anticipatory bail is made out. Accordingly, the prayer of petitioners for grant of anticipatory bail is rejected at this stage.

(P. B. Bajanthri, J)

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