

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32391 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- NAUHATTA District- Saharsa

1. CHHEDAN YADAV @ SHIVNARAYAN YADAV S/o Late Suruj Yadav @ Late Surya Yadav Resident of Village-Kedli Purna Bandh, P.S.-Nauhatta, District-Saharsa.
2. Amirti Devi @ Amriti Devi W/o Baua Yadav Resident of Village-Kedli Purna Bandh, P.S.-Nauhatta, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sameer Ranjan, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh-I, APP
For the Informant	:	Mr. Anant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-02-2021 Heard Mr. Samir Ranjan, learned Advocate for the petitioners and Mr. Anant Kumar, for the informant. The State is represented by Mr. Aditya Narayan Singh-I, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nauhatta P.S. Case No. 64 of 2020 dated 27.04.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 379, 354(B) and 504 of the Indian Penal Code. Later on Section 302 of the IPC has been added.

The learned counsel for the petitioner has submitted that the allegation of assaulting the deceased is not on the petitioners. Though the petitioners have



been named in the FIR but they have not been alleged to have assaulted the deceased in any manner. The petitioner no. 2 is only said to have divested a gold chain from the possession of the daughter of the informant. The husband of the deceased died because of the injuries suffered by him during the assault.

The fact that the process under Section 82 and 83 Cr.P.C. against the petitioners are complete has prevented this Court from granting anticipatory bail to the petitioners.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall take into account that the petitioners are not the assailants of the deceased and against them there is only general and omnibus allegation. The court below shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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