

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1401 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- KAKO District- Jehanabad

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1. Chandeshwar Yadav, male, aged about 50 years.
 2. Jay Yadav, male, aged about 40 years.
 3. Puniya Yadav, male, aged about 35 years.

All three are sons of Ritha Yadav.

4. Pappu Yadav @ Pappu Kumar, male, aged about 30 years.
5. Nanhku Yadav @ Giraja Kumar, male, aged about 28 years.

Both two are sons of Chandeshwar Yadav

All R/o Village- Yogyadih, P.S.- Kako, District- Jehanabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-02-2021 Heard Mr. Raj Kishor Prasad, learned Advocate for
the petitioners and Mr. Nityanand, learned APP for the State.

Learned Advocate for the petitioners seeks
permission to withdraw this application with respect to
petitioner Nos. 1, 2, 3 and 4 as they have been arrested.



The application with respect to petitioner Nos. 1, 2, 3 and 4, viz., Chandeshwar Yadav, Jay Yadav, Puniya Yadav and Pappu Yadav @ Pappu Kumar, is dismissed as withdrawn.

The petitioner No. 5/Nanhku Yadav @ Giraja Kumar seeks bail in anticipation of his arrest in connection with Kako P.S. Case No. 577 of 2020, dated 12.04.2020, instituted for the offences under Sections 395 and 397 of the Indian Penal Code.

The petitioner No. 5 is named in the F.I.R. along with petitioner Nos. 1, 2, 3 and 4, whose application is dismissed as withdrawn. There is specific accusation against all the named accused persons.

Learned counsel for the petitioner has submitted that the informant now does not wish to prosecute the accused persons and a compromise petition has been filed before the Court below. It has further been submitted that some of the accused persons of this case have been granted bail by the Court below.

However, considering the nature of accusation in



the F.I.R., this Court is not inclined to grant anticipatory bail to petitioner No. 5.

The prayer for grant of anticipatory bail of petitioner No. 5 is, accordingly, rejected.

However, if petitioner No. 5 surrenders before the Court below and seeks bail, the Court below, after taking into account every fact as also that some of the accused persons of this case have been granted bail in this case, shall pass order in accordance with law, without being prejudiced by the fact that his present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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