

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4779 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

SUKUMARI DEVI W/O SHIVNANDAN YADAV @ SHIVNANDA
YADAV R/o village- Tumaul, P.S.- Ghanshyampur, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 13624 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

1. KISHORI YADAV @ KISHORE YADAV SON OF SHIVNANDAN
YADAV R/O VILLAGE- TUMAUL, P.S.- GHANSHYAMPUR,
DISTRICT- DARBHANGA
2. MUKESH YADAV SON OF SHIVNANDAN YADAV R/O VILLAGE-
TUMAUL, P.S.- GHANSHYAMPUR, DISTRICT- DARBHANGA
3. MANJU DEVI WIFE OF KISHORI YADAV R/O VILLAGE- TUMAUL,
P.S.- GHANSHYAMPUR, DISTRICT- DARBHANGA
4. RANJU DEVI WIFE OF MUKESH YADAV R/O VILLAGE- TUMAUL,
P.S.- GHANSHYAMPUR, DISTRICT- DARBHANGA

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4779 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar Jha

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

(In CRIMINAL MISCELLANEOUS No. 13624 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-08-2022 Learned counsel for the petitioners is directed to
remove all the defects pointed out by the Stamp Reporter within



one month.

Heard learned counsel for the petitioners as well as learned counsel for the informant.

The petitioners apprehend their arrest in connection with Ghanshyampur P.S. Case No. 228 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The informant is son of the deceased Shivdeo Yadav. As per allegation, Shivdeo Yadav went for scraping grass. The informant went there and he saw that the petitioners named in the FIR were badly assaulting him with brickbats on chest and other vital parts of the deceased. When the informant tried to rescue his father, the accused persons including the petitioners attempted to catch him hold but he became successful in flee away and he stayed overnight in his *sasural* and in the next morning he received an information from his cousin Sanjeet Yadav that the dead body of his father was lying near Domepatti Bandh.

Learned counsel for the petitioners has submitted that the informant stayed overnight in his *sasural* but as to why he did not inform the police has not been clarified in the FIR. He has submitted further that the deceased was a drunkard and he



died due to excessive consumption of the liquor.

On the other hand, the learned counsel for the informant has submitted that the informant is an eye witness, he saw the petitioners assaulting his father who died after sustaining the injuries. The witnesses in case diary supported the occurrence. The inquest report as mentioned in the impugned order shows that the injuries were found on the person of the deceased and as per Post Mortem Report the injuries were dangerous to life. The death was caused due to asphyxia as the result of strangulation by pressure on neck including the air passage.

The petitioners are assailants to the deceased. They are not entitled for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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