

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14851 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- GAMAHARIYA District- Madhepura

1. VIJAY YADAV @ VIJAY KUMAR Son of Dudhi Yadav Resident of Village - Singiyon (Sigiyaon), P.S.- Gamharia (Gamhariya), Distt.- Madhepura.
2. Sudhir Yadav @ Sudhir Kumar Son of Dudhi Yadav Resident of Village - Singiyon (Sigiyaon), P.S.- Gamharia (Gamhariya), Distt.- Madhepura.
3. Anand Kumar @ Anant Yadav Son of Vijay Yadav @ Vijay Kumar Resident of Village - Singiyon (Sigiyaon), P.S.- Gamharia (Gamhariya), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pawan Kumar
For the Opposite Party/s :	Mr. Ranjay Kumar Singh
	Mr. Sanjay Kumar Tiwary

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

ORAL ORDER

4 04-03-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, the learned Additional Public Prosecutor for the State as well as the leaned counsel for the informant through video conferencing.

The petitioners apprehend their arrest in connection with Gamharia (Gamhariya) P.S. Case No. 151 of 2020 registered for offence punishable under sections 323, 324, 341,



307, 354, 379, 504, 506/34 of the Indian Penal Code.

The informant, Tapeshwari Yadav has lodged FIR, stating therein that when he was taking meal, the FIR named accused persons, including the present petitioners came to his door equipped with arms. The accused persons asked the informant as to why he was not vacating the land. On protest, they badly assaulted the informant and his wife and they also threatened to kill the informant.

The learned counsel for the petitioners has submitted that the injuries, sustained by the wife of the informant, are simple. He has also submitted that after lodging of the present case, the informant was murdered after two days of threatening and in this respect, Gamharia P.S. Case No. 154 of 2020 has been lodged. In that case, only petitioner no. 3 was an accused, who was exonerated by the Investigating Authority, but that was proceeded on the protest petition.

On the other hand, the learned counsel for the informant has submitted that in the present case, the informant Tapeshwari Yadav stated in his fard-beyan that the accused persons not only assaulted him but also threatened to kill him and only after two days of threatening, the informant was murdered.



Considering the above mentioned facts and circumstances, I do not think it a fit case for anticipatory bail and accordingly the prayer for anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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