

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15553 of 2022

Arising Out of PS. Case No.-2 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

1. VIDYA YADAV @ VIDYA NAND YADAV Son of Haribansh Yadav Resident of Village - Saraiya, P.S. - Sahebpur Kamal, Dist. - Begusarai.
2. Bal Krishna Son of Nand Yadav Resident of Village - Saraiya, P.S. - Sahebpur Kamal, Dist. - Begusarai.
3. Radha Krishna Yadav Son of Nand Yadav @ Vidya Yadav Resident of Village - Saraiya, P.S. - Sahebpur Kamal, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code pending in the learned court below.

As per the F.I.R., Mukesh Kapar gone to see his field. After sometimes his brother, namely, Ram Pravesh Kapar also went to see the field. He found Mukesh Kapar shouting in pain. He raised alarm then some people assembled. He took his brother for treatment with the assistance of people. His brother Mukesh Kapar died on the



way.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that investigating officer has submitted the final form itself and learned magistrate took the cognizance against the petitioner. He submits that similarly situated co-accused has not been granted bail by a Bench of this Court vide order dated 02.08.2022 passed in Cr. Misc. No.155 of 2022. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner are serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that similarly situated other co-accused has not been granted anticipatory bail by the coordinate bench of this Court, I am not inclined to enlarge the petitioner on bail in connection with S. Kamal P.S. Case No.02 of 2020. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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