

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45048 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- JHAJHA RAIL P.S. District- Lakhisarai

1. Degan Yadav, Son of Late Ramprasad Yadav, Resident of Rajala, P.S.- Jhajha, District- Jamui.
2. Rajesh Yadav, Son of Nandkishore Yadav, Resident of Rajala, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Satya Prakash Parasar, learned counsel for the petitioners and the learned APP for the State.

At the outset, learned counsel for the petitioners submits that during the pendency of this application petitioner no.1 (Degan Yadav) has been arrested by the police and the present application with regard to him has become infructuous.

The petitioner No.2 (Rajesh Yadav) is apprehending his arrest in connection with Jhajha Rail GRP P.S. Case No. 21 of 2021 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.



It is submitted by the learned counsel for the petitioners that with regard to petitioner no.2, except the allegation that all the F.I.R. named accused persons including the petitioner came to the house of the informant and after having dinner, the husband of the informant went along with them, but he did not return. However, in the morning headless dead body of the husband of the informant was found at the Railway track. It is also submitted that there is no reason or occasion or any motive against the petitioner, inasmuch as, during the course of investigation no material has come, which suggest the complicity of petitioner no.2.

Having considered the submissions made on behalf of the parties and taking into consideration the accusation that petitioner no.2 is named in the F.I.R. and the deceased was lastly seen with the petitioner and others and further from the impugned order, it appears that the complicity of this petitioner has also been found in the confessional statement of co-accused, this Court is not persuaded to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to petitioner no.2 is rejected.

However, if he surrenders before the court below within six weeks' from today and prays for regular bail, the



court below shall consider the same and disposed of without being prejudiced by the order of this Court taking into account the fact that other accused persons have been granted regular bail.

(Harish Kumar, J)

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