

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52561 of 2021

Arising Out of PS. Case No.-170 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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KHALTHU YADAV S/o Nago Yadav R/o Village/Mohalla- Bharkahi, P.S.-
Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aprajita

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-02-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner apprehends his arrest in connection

with Kuseshtar Asthan P.S. Case No. 170/2019 registered for

the offences punishable under Sections 341/342/323/302/34 of

the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is accused of killing the deceased

Avinash Yadav in the most brutal manner though the Advocate

for the petitioner Ms. Aprajita has tried to argue that the

petitioner is not the assailant of the deceased but he is only

being prosecuted taking the aid of Section 34 of the Indian



Penal Code and, therefore, he deserves anticipatory bail. She has also submitted that there was no source of identification, therefore, the presence of the petitioner becomes very doubtful.

There is specific allegation against the petitioner and other accused persons of having taken away the deceased and killed him.

Individual act of each accused do not matter in these kinds of cases and in the opinion of this Court, this is not a fit case for grant of anticipatory bail. It is, accordingly, dismissed.

The court below is directed to consider the regular bail of the petitioner without being prejudiced by the fact that his anticipatory bail application has been dismissed by this Court.

(Sandeep Kumar, J)

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