

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16852 of 2023

Arising Out of PS. Case No.-572 Year-2022 Thana- BARHARA District- Bhojpur

Dinesh Yadav S/O Aklu Yadav Resident of Village- Saraiya, P.S.- Barhara
(Krishnagarh), District- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner; learned
counsel for the informant and the learned APP for the State.

The petitioner is apprehending his arrest in connection
with Barhara(Krishnagarh) P.S. Case No. 572 of 2022, dated
29.07.2022 registered for the offence punishable under Sections
302 and 201/34 of the Indian Penal Code.

There is an allegation that the informant's brother was
taken away in the night by one co-accused namely Pinto Yadav.
His dead body was recovered later in the day leading to
implication of the petitioner in the alleged murder. The motive is
stated to be accusation of the petitioner along with two others in
earlier in murder of the informant's son. The petitioner and
another co-accused have since been threatening the informant



and his family members, for which Barhara (Krishnagarh) P.S. Case No. 268 of 2021 has been lodged.

Learned counsel for the petitioner submits that even as per allegation only one Pinto Yadav, co-accused has been allegedly witnessed by the informant as taking the brother (Binod Yadav) away. Insofar as the remaining allegations concerning the petitioner and others are concerned, there is no basis for the same except suspicion based on the earlier police case. The petitioner is also suffering from some minor paralytic attack on the face and considering the aforesaid circumstances, prayer is made for grant of anticipatory bail.

Learned counsel for the informant and learned APP for the State have opposed the prayer for pre-arrest bail. They submit that very strong motive has been assigned and the petitioner is accused in murder of the same informant's son, the death in the instant case is homicidal, which is apparent from the inquest report.

Considering the rival submissions, cause of death as per inquest, antecedent of the petitioner, strong motive, the Court is not inclined to release the petitioner on anticipatory bail.

Prayer for anticipatory bail is rejected.



However, if the petitioner surrenders and prays for regular bail before the learned Court below, the same shall be considered on its own merit without being prejudiced by the present order.

(Madhuresh Prasad, J)

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