

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43291 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- CHANDI District- Bhojpur

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Laleshwar Yadav, Son of Late Rameshwar Yadav, Resident of Village-
Nisarpura, P.S.- Rani Talab (KANPA), District- Patna. Presently Residing At
Village- Vishunpur, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. The petitioner is apprehending his arrest in
connection with Chandi P.S. Case No. 60 of 2022 dated
03.03.2022 registered for the offence punishable under Section
302/34 of the Indian Penal Code pending in the learned Court
below.

4. As per the prosecution story, the informant
alleged that this petitioner along with other co-accused persons



assaulted him and his father with bamboo, vehicle jack and iron-rod, owing to which he and his father sustained injury and later on, his father succumbed to his injuries.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He submits that there is no specific overt act against the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

6. Per contra, learned APP for the State vehemently opposed the bail application and submitted that the allegation levelled against the petitioner is serious in nature. He submits that the *post-mortem* report has supported the prosecution case. Hence, he does not deserve anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that injuries were found on various parts of the body of the deceased, I am not inclined to enlarge the petitioner on bail in connection with Chandi P.S. Case No. 60 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and



prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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