

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47325 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

1. Birendra Yadav @ Virendra Yadav Son Of Rajdeo Yadav Resident Of Village- Itra, Ps- Magadh University, Dist- Gaya
2. Reeta Devi Wife Of Birendra Yadav @ Virendra Yadav Resident Of Village- Itra, Ps- Magadh University, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Magadh University P.S. Case No. 381 of 2022 registered for the offences punishable under Section 302/34 of the Indian Penal Code pending in the Court of learned Judicial Magistrate 1st Class, Gaya.

3. Prosecution case, in brief, informant and his wife were harvesting paddy crop. In the meantime, the petitioners came and said that they had caught a thief and have confined in a closed room. It is further alleged that the



informant and his wife went and saw that their daughter hanging.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no eye witness in the present case. He further submits that merely on the basis of suspicion petitioners have been made accused in the present case. He also submits that there is no evidence against the petitioners in the case diary. The petitioners have no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that postmortem report has supported the prosecution case. Hence, they do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek



regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that petitioner no. 2 is a female.

(Anjani Kumar Sharan, J)

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