

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55550 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- JAYNAGAR District- Madhubani

1. Nandu Yadav Son Of Ghanshyam Yadav Resident Of Village - Khairmath, P.S.- Jainagar, Distt.- Madhubani.
2. Krishna Kumar Yadav Son Of Ghanshyam Yadav Resident Of Village - Khairmath, P.S.- Jainagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in Jainagar P.S.
Case No. 71 of 2021 registered for the offences punishable under
Sections 364, 302, 201 and 34 of the Indian Penal Code pending in
the Court of learned C.J.M., Madhubani.

As per prosecution case, the informant and her
husband sitting at their house, in the meantime, the petitioners
along with other accused persons came and forcibly took away
husband of the informant. It is further alleged that they have killed
the husband of the informant and concealed the dead body.

Learned counsel for the petitioners has submitted that
the petitioners have falsely been implicated in this case. He
submits that there is no specific allegation against the petitioners.
There is general and omnibus allegations against the petitioners.
He submits that there is no eye-witness in the present case, only on



the suspicion petitioners are made accused in the present case. He further submits that there is no criminal antecedent against the petitioners as mentioned in para 3 of this application.

Learned APP for the State as well as learned counsel for the informant oppose the bail petition and submits that specific overt act has been attributed against the petitioners. Hence, the petitioners do not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Jainagar P.S. Case No. 71 of 2021. The prayer for anticipatory bail of the petitioners are hereby rejected.

However, if 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.

(Anjani Kumar Sharan, J)

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