

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38718 of 2013

=====

1. Biko Yadav Son of Late Ram Sudhari Yadav @ Sudhari Yadav,
Resident of Village Larjha, P.S. Bithan District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-12-2013 Heard A.K. Mishra, learned counsel for the petitioner,

learned counsel for the State and Mr. Gopal Pandey, learned

counsel for the informant.

The petitioner is apprehending his arrest in connection
with Bithan P.S. Case No. 65 of 2008 for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 302 and
379 of Indian Penal Code.

The petitioner along with others have been charged with
assaulting and robbing the informant.

Mr. Mishra, appearing for the petitioner has submitted
that the confusion is on account of similarity in the name of this
petitioner with his brother Tiko Yadav.

It is stated that considering this aspect, this petitioner
was not sent up by the police but the opinion has been disagreed
by the learned Magistrate who has proceeded to take cognizance.

Regard being had to the nature of allegations and the identification by the informant this Court, is not persuaded to accept the prayer of the petitioner and this application is dismissed.

The petitioner however, shall be at liberty to make his prayer for regular bail which shall be considered and disposed of on its own merits without being prejudiced by the order passed in the present case.

(Jyoti Saran, J)

Bibhash/-