

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5291 of 2015

Arising Out of PS.Case No. -9 Year- 2012 Thana -PATNA GRP CASE District- PATNA

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Lalit Yadav Son of Sri Lal Bihari Yadav Resident of Village - Salempur
P.S- Karauna, O.P (Jehanabad) Disttt- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2015 Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Sections 365 and 368/34 of the Indian Penal Code in connection with Jehanabad (Taregna) Rail P.S. Case No.9 of 2012, pending before the Railway Judicial Magistrate, Patna Junction.

Earlier, the prayer for anticipatory bail of the petitioner was rejected vide order dated 08.01.2013 in Criminal Miscellaneous No.44667 of 2012 on the ground that the petitioner is accused in other case.

It is submitted by learned counsel for the

petitioner that the petitioner has now been acquitted in other case, hence, the prayer has been renewed.

The informant's brother was kidnapped leading to registration of First Information Report dated 17.12.2011 when the informant claimed that from the villagers he came to know that thirteen F.I.R. named accused persons including the petitioner abducted the brother of the informant.

It is submitted by learned counsel for the petitioner that the informant neither in the F.I.R. nor in the subsequent statement disclosed the names of the persons who disclosed the names of the petitioners to him. On 17.12.2011, several witnesses were examined by the police but they did not name this petitioner. The statement of the wife of the informant and another witnesses were recorded after five months of the occurrence in paragraphs 62, 67 and 68 of the case diary claiming themselves to be eye witnesses of kidnapping suggesting complicity of the petitioner in the kidnapping.

Considering the delayed statement of the family members of the victim, the co-accused Lal Bihari Yadav was granted bail but the prayer for bail of this petitioner was rejected on the ground that the petitioner is accused in one other case. Subsequent acquittal in other case does not form

any ground for reviewing the earlier order.

With the above observation, this application is, accordingly, disposed off with a direction to the learned Court below to consider the prayer for regular bail of the petitioner keeping in view of the fact that on merit other co-accused persons have been granted anticipatory bail.

(Dinesh Kumar Singh, J)

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