

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26937 of 2015

Arising Out of PS.Case No. -148 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

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Ram Ashis Yadav, son of Shivjee Yadav, resident of Mohalla-Kadira Bad,
P.S.- L.N.M.U. Darbhanga, District- Darbhanga. Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr. Ashraf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 26-08-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

By way of filing an application under Section 438 of
the Code of Criminal Procedure, the petitioner seeks
anticipatory bail in connection with Laheriya Sarai P.S. Case
No. 148 of 2015 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 337, 338, 307 and 120-B of
the Indian Penal Code and later on Section 302 of the Indian
Penal Code was added in the FIR.

It is contended that, as a matter of fact, no
occurrence in the manner alleged has ever taken place and the
prosecution version is actuated with malice. The petitioner has
no concern with the aforesaid occurrence. The deceased was
killed in a gang war by a gang led by the one Lal Bihari Yadav

with whom he himself is on litigating terms. He had made a complaint against Lal Bihari Yadav before the Commissioner of the Division in respect of his illegal activities.

On the other hand, learned counsel for the State has submitted that though the informant is not a witness to the occurrence, she has named the petitioner, as one of the assailants of the deceased on the basis of information received from two other persons. He further submits that the case diary would show that the petitioner is involved in three other cases of serious nature and he is evading arrest in the present case. Some other witnesses examined in course of investigation have also supported the allegations made in the FIR.

Regard being had to the gravity of the offence and the allegations made in the FIR, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders and seeks bail in the court below, it shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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