

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18091 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -BIHARIGANJ District- MADHEPURA

1. Naresh Yadav son of Late Mahadev Yadav
2. Satya Narayan Yadav Son of Biranchi Yadav
3. Pankaj Yadav
4. Chunchun Yadav Both sons of Naresh Yadav
All resident of village- Palkipar, Police Station- Biharganj, District-
Madhepura

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 18-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under section 307 as well as Sections 341, 342, 323, 504/34 of the Indian Penal Code this Court taking into account that the gun shot injury has been found on the person of the informant and that the petitioners were also accompanying the person, who had allegedly given the gun shot injury on a motorcycle and that the involvement of the petitioners in the occurrence has also been supported in the statement of other witnesses, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

Let it be noted that petitioner no.3 has got three more

criminal cases after the present case and therefore, his proven track record of number of cases would disentitle him to grant privilege of anticipatory bail. The three other petitioners no.1, 2 and 4 about whom it is being said that they will be entitled for privilege of anticipatory bail because the allegation of gun shot injury remains confined against co-accused is also not acceptable to this Court because the allegation against him will also have to be viewed from the angle as to whether offence can be one under section 307 of the Indian Penal Code, inasmuch as the petitioners were said to be accompanying the person, who had caused gun shot injury on the person of the injured. The liability of the petitioners, therefore, even if there is only one gun shot injury on the person of the injured will not be lessened inasmuch as this Court would find that petitioners no. 1, 2, 3 and 4 to be equally sharing the intention of causing injury on the injured with an intent to attempt murder of the injured.

Thus, for the reasons indicated above, this application is dismissed.

(Mihir Kumar Jha, J)

surendra/-

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