

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17244 of 2015

Arising Out of PS.Case No. -78 Year- 2005 Thana -BELAGANJ District- GAYA

=====

Suraj Dev Yadav @ Suryadeo Yadav S/o Late Kameshwar Yadav R/o village - Hasanpur, P.S. Belaganj, District - Gaya, At Present residing at 200, Bahini Seema Suraksha Bal (Boarder Security Force), Flora Camp, Jammu

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Ms. Kumari Jyoti, Advocate.

For the Opposite Party : Mr. Shantanu Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 08-10-2015 Heard both sides.

The petitioner apprehends his arrest in Belaganj P.S. Case No. 78 of 2015, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while his brother came near the house of Mundrika Yadav, Mundrika Yadav, Suraj Dev Yadav @ Suryadeo Yadav, the petitioner, Durga Yadav, Yogendra Yadav, Jitendra Yadav, Raju Yadav, Binay Yadav, Surendra Yadav, Komat Yadav and Harihar Yadav made indiscriminate firing. Mundrika Yadav, Suraj Dev Yadav @ Suryadeo Yadav and Durga Yadav after chase made firing at Kapildeo Yadav, brother

of the informant and killed him on the spot. When his cousin Chandradeo Yadav came the accused persons also shot him dead.

It is submitted that the Commandant of BSF wrote a letter to the S.P., Gaya (Annexure-5) on 5th August, 2014 that the petitioner was on duty in Jammu on the date of occurrence on 10th June, 2005 in 163 Battalion of BSF at BSF camp Paloura, Jammu. This Court has directed the S.P., Gaya vide order dated 30.07.2015 to enquire and verify the plea of alibi, but the plea of alibi remained unverified and the witnesses have stated that the petitioner also fired causing death.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--