

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56220 of 2015

Arising Out of PS.Case No. -249 Year- 2004 Thana -NAWADA District- NAWADA

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Raghunath Yadav, son of Shri Baso Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer and is apprehending arrest in a case registered for the offences punishable under Sections 302, 307, 324, 323, 379 and 364/34 of the Indian Penal Code.

The prosecution case is that co-accused Surendra Yadav caused fire arm injury to Biltu Yadav, the brother-in-law of the informant, who subsequently succumbed to the injuries whereas the petitioner caused fire arm injury to Rubi Devi on her lower portion of the abdomen.

It is submitted by learned counsel for the petitioner that the police submitted final form on conclusion of investigation and the petitioner was not sent up for trial though the charge-sheet was submitted on 10.09.2005 against



Mahendra Yadav and Shailendra Yadav thereafter supplementary charge-sheet was also submitted against others. Subsequently, D.I.G. Magadh Range, Gaya ordered for further investigation and even then accusation against the petitioner was not found true. But, on 12.10.2009, the learned Magistrate differing with the final form took cognizance against the petitioner also. It is further submitted that the main accused Surendra Yadav has been granted anticipatory bail by a co-ordinate bench of this court (now retired) vide Criminal Miscellaneous No. 12784 of 2011 and the petitioner is a government servant.

Considering the fact that once a co-ordinate Bench of this Court (now retired) has rejected the prayer for anticipatory bail, this Court is not inclined to interfere into the matter. But in view of the fact that petitioner was not sent up for trial, there is counter version of the occurrence also and other similarly situated accused has been granted anticipatory bail, it is a case for consideration of prayer for regular bail. Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Nawada Town P.S. Case No.249/2004, pending before the learned CJM, Nawada.

With the above observation, this application is,
accordingly, disposed off.

Ashwini/-

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(Dinesh Kumar Singh, J)