

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35789 of 2014**

Arising Out of PS.Case No. -63 Year- 2001 Thana -BRAHMPUR District- BUXAR

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Dhanjee Yadav, Son of Late Sipahi Yadav, resident of village- Nandpur Semara, P.S.- Brahampur, District- Buxar.

.... .... Petitioner.

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate

For the Opposite Party/s : Mr. B. M. P Sinha (APP)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

2 04-03-2015

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under Sections 323, 324, 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

On the voting day, some quarrel took place between the members of the two rival political parties.

It is alleged that one Ramashish Yadav armed with rifle and the petitioner also armed with gun opened fire. The firing opened by Ramashish Yadav killed Radha Yadav. The charge-sheet was submitted in the year 2001 and the case was committed to the Court of Sessions in the year 2006.

Learned counsel for the petitioner submits that the accused persons, who faced trial, were acquitted vide judgment dated 22.06.2006 passed by Additional Sessions Judge, Fast Tack

Court No. II, Buxar in Sessions Trial No. 100 of 2006. Learned counsel for the petitioner submits that the witnesses have not support the prosecution case. He further submits that even if the prosecution case is taken to be true, the specific allegation of firing upon Radha Yadav is against Ramashish Yadav and not against the petitioner. Learned counsel submits that the petitioner is a Government servant and is posted in the State of Uttar Pradesh. As he believed that the accusation leveled against him was false, he did not pursue his case.

As the petitioner is named in the F.I.R. and he was not vigilant and did not pursue his case, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner surrenders and prays for bail before the court below (Chief Judicial Magistrate, Buxar) in connection with Brahampur P.S. Case No. 63 of 2001, the same would be decided on its own merit and also taking into consideration that the other accused persons have been acquitted.

**(Samarendra Pratap Singh, J.)**

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