

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12486 of 2015

Arising Out of PS.Case No. -105 Year- 2014 Thana -PALIGANJ District- PATNA

1. Rahis Kumar Yadav
2. Sarif Yadav @ Sarif Kumar Yadav
Both sons of Satya Nand Yadav, Resident of Village - Fathepur, P.S.
Paliganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

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

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 03.04.2015 Learned counsel for the petitioners is permitted to make
necessary correction in prayer portion of this petition within course of
the day.

Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for the informant.

Petitioners are named in the first information report and it is
alleged that petitioners along with other accused having armed with
fire arms and deadly weapons went at the door of the informant and
thereafter co-accused Satyanand Yadav shot fire causing fire arm
injury to deceased Anil Yadav. Thereafter, co-accused Ram Babu
Yadav also shot fire causing injury to deceased Anil Yadav.

So far as petitioners are concerned, it is stated that petitioner
no.1 assaulted the informant by lathi and petitioner no.2 namely, Sarif

Yadav, gave spade blow causing injury to Laldev Yadav.

The contention on behalf of the petitioners is that according to the prosecution case itself, Anil Yadav sustained fire arm injury but the aforesaid Anil Yadav was also made accused in this case and the aforesaid fact completely falsified the prosecution story. It is further contended by him that there is case and counter case between the parties.

It would appear from perusal of formal FIR that one Anil Yadav son of Ram Ekbal Yadav has been made accused no.2 in Paliganj P.S. Case no. 105/2014. It is well known fact that formal FIR is written by the concerned police official and even if any mistake has been committed in the formal FIR, then also, for the aforesaid mistake, informant is not responsible.

However, taking note of this fact that the petitioners participated in the alleged crime, I am of the view that they are not entitled to get privilege of anticipatory bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind the chequered history of the petitioners, I am not inclined to release the petitioners on anticipatory bail and accordingly, their prayer for anticipatory bail in connection with Paliganj P.S. Case no. 105/2014 pending in the court of SDJM, Danapur, Patna stands rejected.

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(Hemant Kumar Srivastava,J)

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