

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26612 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -SANGRAMPUR District- MUNGER

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1. Pravesh Kumar Yadav son of Lukhar Yadav resdient of village- Tetariya,
Police Station Gangtok (kharagpur), District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in Sangrampur P.S.Case No. 26 of 2015 instituted under Sections 341, 323, 307, 379, 452, 34 of the Indian Penal Code and Section 27 of Arms Act, pending in the Court of Sri Ranjan Kumar Mishra, Judicial Magistrate, 1st Class, Munger.

It is alleged by the informant that when in the night of 7.3.2015 he was sleeping on the Varandah of his house, at about 10 P.M he heard sound of access of 3 / 4 persons in the premises of his house, he awoke from sleep. When he flashed the light of the torch, he saw Bablu Yadav and Pravesh Yadav along with two unknown persons present there. When the informant told the accused Bablu Yadav as to why he came here in the night, the other accused Pravesh Kumar Yadav said that they had been identified and as such he ordered to kill the informant. Thereafter Bablu Yadav fired with his country made pistol hitting the chest of the informant. The informant fell unconscious and regained his consciousness at Bhagalpur Hospital where he was under-going

treatment.

It has been submitted on behalf of the petitioner that the petitioner has been falsely implicated in the present case. The informant's grand daughter wanted to marry co-accused Bablu Yadav. The FIR has been instituted after four days for which no explanation has been made by the prosecution. It is further submitted that the petitioner is a student of B.A. Part I and cousin brother of the co-accused.

On behalf of the State, it has been submitted that on the order of the petitioner, co-accused has fired upon the informant causing fire arm injury.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and same is rejected.

However, if the petitioner surrenders in the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order of rejection, preferably on the same day.

(Sudhir Singh, J)

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