

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26560 of 2015

Arising Out of PS.Case No. -212 Year- 2013 Thana -PALIGANJ District- PATNA

- =====
1. Vijay Yadav son of Ram Iswar Yadav
 2. Rajesh Yadav alias Laloo Yadav son of Vijay Yadav Both residents of Village- Papura Kala Tola, Police Station- Paliganj, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Chitranjan Sinha, Sr. Advocate.

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

For the Informant : Mr. Bishwajeet Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-10-2015 Heard Shri Chitranjan Sinha, learned senior counsel for the petitioners, Shri Bishwajeet Pandey, learned counsel for the informant and the learned APP.

The petitioners apprehend their arrest in registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named the petitioners Vijay Yadav and Rajesh Yadav @ Laloo Yadav along with five other accused persons and alleged that they all having armed with different weapons, firearms came. Ajay Yadav fired from his pistol in the head of his brother Dipak Kumar and other accused persons

attacked on the family members of the informant. Dipak Kumar fell down on the ground.

Shri Chitranjan Sinha, learned senior counsel for the petitioners submitted that there is no allegation of firing against the petitioners. The police after investigation found the plea of alibi of the petitioners correct and accordingly submitted final form, but the learned court below took cognizance. Similarly situated accused have already been granted regular bail vide orders passed in Cr. Misc. No. 50550 of 2013 and Cr. Misc. No. 53990 of 2013.

On the other hand, learned APP as well as the learned counsel for the informant submitted that similarly situated accused have been granted regular bail.

Taking into consideration of the facts that the police found the plea of alibi of the petitioners true and accordingly submitted final form against the petitioners finding their implication false, but the learned Chief Judicial Magistrate took cognizance at the same time and similarly situated accused persons have already been granted regular bail by this Court, the petitioners above named, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall

be considered on its own merit without being prejudiced by this order and taking into consideration that similarly situated accused persons have already been granted bail dispose of the bail petition of the petitioners on the same day.

With the aforesaid observations, this anticipatory bail is disposed of.

(Prabhat Kumar Jha, J.)

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