

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2895 of 2015

Arising Out of PS.Case No. -69 Year- 2014 Thana -BISHWAMBHARPUR District- GOPALGANJ
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1. Balister Yadav @ Barister Prasad
2. Krishna Yadav @ Krishna Prasad
3. Baliram Yadav @ Baliram Prasad All Sons of Hari Lal Yadav R/o Tola
Sipaya, P.S. Bishambharpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit

For the Opposite Party/s : Mr. Ashraf Ansari(App)
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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 16-07-2015 Heard learned counsel for the petitioners, for the
informant and the State.

In this case, petitioners are seeking bail in
Bishambharpur P.S.Case No. 69 of 2014 registered u/s 302/34,
120B, 504 IPC and 27 of the Arms Act.

The victim and accused are agnates. Allegation has
been made that the victim and his fat her were going by motor-
cycle and these petitioners and others had followed them and
ultimately surrounded the victim and one Sugriv Yadav fired from
country-made pistol whereupon the victim died.

Counsel for the petitioners submits that petitioner
no1 Balister Yadav is a retired person, petitioner Nos. 2 Krishna

Yadav and 3 Baliram Yadav there is no specific allegation against them.

Counsel for the petitioner submits that during supervision, a 3rd story has come out that the victim was a man of bad character having illicit relation with another lady and that was the reason for his death. In support of his argument he placed reliance on the statements made in Para-24 and 36 of the case diary and submitted that in Para-36 the Chaukidar has been examined who pointedly asked the victim to divulge the name of person who had shot at him but the victim did not name the petitioners.

Para 23, 24 and 26 of the case diary there is specific allegation that the accused persons, including the petitioners had surrounded the victim and Sugriv Yadav took out the pistol and shot at the victim. It shows that all the persons have actively taken part in the occurrence. It is not a fit case where this Court should exercise its discretion of granting anticipatory bail. This petition is accordingly, dismissed.

(Shivaji Pandey, J)

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