

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52078 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -KHIJARSARAI District- GAYA

Munni Yadav, S/o Late Kuleshwar Yadav, R/o village- Naubatpur, P.S. Khizarsarai, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Dr.Indiwar Kumari (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-12-2015 Heard Sri Sharda Nand Mishra, learned counsel, who was assisted by Sri Deepak Kumar, learned counsel for the petitioner, Dr. Indiwar Kumari, learned Addl. Public Prosecutor as well as Sri Ansul, learned counsel, who was assisted by Sri Anuj Kumar, learned counsel, who has voluntarily appeared on behalf of the informant in this case.

The petitioner, who is in custody since 22.09.2015 in Khizarsarai P.S. Case no.19 of 2015 registered for the offence under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that there is no specific allegation against the petitioner, save and except it was alleged that the petitioner was one of the members of



the accused persons, who participated in the occurrence. He submits that Pappu Yadav @ Pappu , against whom there was allegation of firing has already been granted bail by this Court on 15.10.2015 vide Cr.Misc.No.42856 of 2015. It has also been argued that in identical situation, one of the co-accused has been granted anticipatory bail by this Court. On the aforesaid ground, a prayer is being made for grant of bail.

Learned Addl. Public Prosecutor and learned counsel for the informant have opposed the prayer for bail. It was submitted by learned counsel for the informant that on perusal of the F.I.R. itself, it is evident that the informant of the case is the victim and he was witness in one of the case, regarding which the informant was threatened not to give evidence and on refusal, firstly he was virtually kidnapped and kept in Sumo vehicle and after firing on him, he was thrown. Accordingly, he submits that keeping in view the accusation, the petitioner is not entitled to grant of bail. In respect of grant of bail to co-accused Pappu Yadav, he submits that this Court vide Annexure-3 has directed to release him on bail on completion of nine months from the date of his custody i.e. 15.07.2015.

In view of facts and circumstances and nature of accusation, I am of the view that the petitioner may not be given

any benefit of bail on the ground that one of the co-accused has been extended the privilege of anticipatory bail in such serious accusation. However, at the same time, the petitioner may not be denied relief, which has been granted to co-accused Pappu Yadav. Accordingly, in view of facts and circumstances, particularly the fact that co-accused Pappu Yadav has been directed to be released on bail after completion of nine months, same order can be passed in respect of petitioner also. It was submitted argued that the petitioner is in custody since 22.09.2015.

Accordingly, at the moment, the prayer for bail of the petitioner is rejected. He may renew his prayer for bail after completion of nine months from the date of his custody.

(Rakesh Kumar, J)

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