

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31517 of 2014

Arising Out of PS.Case No. -8 Year- 2013 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Shyam Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Md.Fahimuddin (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-01-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in jail since 20.02.2014
in a case registered for the offences punishable under Sections
302 and 120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

It is alleged by the informant that his father was the
Area Commander of the Maoist extremist organization,
subsequently, he left the organization but pressure was being
made by the Maoist to join the organization but he refused to
accept the offer and consequently on the date of alleged
occurrence, the informant and one Ram Chandra Yadav were
following the deceased from a distance then the informant saw
that Manoj Yadav, Nand Kishore Sada, petitioner and Mahantha

surrounded his father who were variously armed and on the order of Sunil Yadav, petitioner and co-accused Sandeep Yadav caused firearm injury to the father and escaped from the scene.

It is submitted by learned counsel for the petitioner that since the brother of the petitioner was killed for which a case was registered being Chandpura P.S. Case No. 67 of 2012 against the father of the informant and others belonging to Maoist organization, hence, the informant has purposely roped the petitioner in the present case. From the statements of witnesses, it appear that the informant was not present at or around the place of occurrence. The independent witnesses' statement recorded in para 12 of the case diary reflect that they reached the place of occurrence first and thereafter, the family members of the informant reached. The statement of the nephew of the victim also suggests that after the occurrence, the family members reached to the place of occurrence. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the informant claims to have seen the occurrence, this Court is not inclined to grant bail to the petitioner at present.

Accordingly, the prayer for bail is rejected in

connection with Khagaria Rail P.S. Case No. 08 of 2013
pending in the court of learned Railway Judicial Magistrate,
Khagaria.

(Dinesh Kumar Singh, J)

Amrendra/-

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