

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24840 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -PARWATTA District- KHAGARIA

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1. Sanjay Yadav son of Chandradev Yadav, resident of Village- Araria, P.S. Mariya Parbatta, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 11-08-2016 Heard both sides.

The petitioner apprehends his arrest in Parbatta P.S. case No.43/2016 under Section 147, 148, 149, 353, 307 of the Indian Penal Code and under Section 25(1-B) A, 26, 27 and 35 of the Arms Act.

The informant got information that some persons were firing in village Araria. On such, the informant and other police officials went to village Araria and heard the sound of firing. The informant saw in the light of cell Niranjana Yadav on the roof of house of Sanjay Yadav and Niranjana Yadav and Sanjay Yadav were firing. 3-4 unknown persons were also there. The informant exhorted to stop firing but the accused persons started to flee away. On chase, Niranjana Yadav was apprehended but the

petitioner managed to flee away. On search one loaded country made pistol was recovered from the house of the petitioner.

It is submitted that from the perusal of the FIR it would not appear that petitioner was firing at own. The entire story is concocted. In fact the police came in search of Niranjana Yadav, who was found in the house of petitioner, and that is why the petitioner has falsely been implicated in this case.

It appears that the informant has very categorically stated that the petitioner and Niranjana Yadav were firing and even after order of the informant the petitioner did not stop firing. The police also resorted to firing. On such, the accused persons started to flee away and the petitioner also managed to escape but a country made pistol was recovered from his house.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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