

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46639 of 2015

Arising Out of PS.Case No. -81 Year- 2014 Thana -GHOSI District- JEHANABAD

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Sikandar Yadav @ Sikendra Yadav Son of Ratan Yadav @ Sheo Ratan
Yadav Resident of village - Dumari, P.S. Ghosi, District - Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 302 and 307/34 of the Indian Penal Code.

Allegation is that the accused persons came and fired at the Pujari who was sleeping on a Chouki. Informant was also sleeping there. Thereafter, information was given to the police and Pujari was taken for treatment. Petitioner's name came during investigation.

It is submitted on behalf of the petitioner that he has got no criminal antecedent. He is not named in the F.I.R. and he has been made accused in course of investigation. From perusal of para-36 of the case diary it appears that one person was injured in course of occurrence and his statement was recorded three days after the occurrence where he has named this petitioner as one of the assailants in the case. The belated statement of the said injured cannot be relied upon. Petitioner has been made accused due to previous enmity with the informant. From perusal of Annexure-2 it would appear that petitioner was not present on the alleged date at the place of occurrence.

On behalf of the State, it is submitted that petitioner is not named in the F.I.R. but his name has come in course of investigation by the informant himself.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner, same is rejected.

Any how, the petitioner is directed to surrender in the court below, i.e., C.J.M., Jehanabad, in connection with Ghosi P. S. Case no. 81 of 2014 within a period of six weeks and pray for regular bail which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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