

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35988 of 2015

Arising Out of PS.Case No. -10 Year- 2012 Thana -ATRI District- GAYA

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1. Kuldeep Yadav Son of Late Dodi Yadav Resident of village - Mohra,
P.S. Atri, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 05-01-2016

Heard the learned counsel for the petitioner, the learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 302, 34, 504 and 506 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner and other co-accused earlier had caused threats to withdraw Atri P.S. Case No. 70 of 2007 relating to the murder of Kapildeo Prasad and for that the petitioner and other FIR named accused persons along with 3-4 unknown surrounded Ramraksha Yadav, the father of the informant and the petitioner and others opened fire and killed Ramraksha Yadav in presence of Mosamat Meena Devi.

Submission is of false implication due to enmity. The informant is not an eye witness and Mosamat Meena Devi who is

an eye witness has given different version in her statement recorded by the I.O. as she has been examined twice. The allegation of firing is not solely against the petitioner rather against others also and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner earlier committed murder of Kapildeo Prasad and again committed murder of Ramraksha Yadav, father of Kapildeo Prasad and as such he does not deserve bail.

In the facts and circumstances as stated above, considering that eye witness Meena Devi has stated that the petitioner and others opened fire upon her father-in-law Ramraksha Yadav and killed him and further caused threats not to lodge case otherwise to eliminate all the family members and as such considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Atri P.S. Case No. 10 of 2012 pending in the court of Sri Jigar Sah, J.M. 1st Class, Gaya.

Abhay/-

(Jitendra Mohan Sharma, J)

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