

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16980 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Dayanand Yadav @ Pathala son of Late Basudeo Yadav, resident of village- Manda Baudha Rai Tol, P.S.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Meena Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 25-04-2016 Heard Mr. Manish Kumar No. 2 for the petitioner and the learned APP for the State.

Petitioner along with another co-accused are named in the first information report vide Bibhutipur P.S. Case No. 209 of 2015 registered under sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

On the dead of night, the informant heard sound of gun firing. It is alleged that he ran to the place where his father was sleeping, two accused persons including the petitioner were seen fleeing therefrom. The father had received gun shot injury. He was carried to the hospital where he died.

It is submitted that the petitioner is the agnate of the informant. In course of investigation, strong motive has emerged

against co-accused and not against the petitioner. It is normal conduct of a person to flee from the place when gun is fired.

Learned APP opposed the prayer and contended that the petitioner is not only named in the F.I.R. but the post mortem report of the deceased also supports the prosecution case.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to the petitioner.

Prayer is refused. Petitioner shall surrender in the Court below and seek regular bail.

(Kishore Kumar Mandal, J)

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