

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4399 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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Kailash Yadav S/o Late Babulal Yadav, R/o village-Madhuban Tola, P.S. Pirpainty, District-Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhay Kumar Singh, Advocate.

For the Opposite Party : Mr. Smt. Anuradha Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-04-2016 Heard learned counsel for the petitioner, learned counsel for the informant and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Pirpainty P.S. Case No. 309/2015 registered for the offences punishable under Sections 302/34, 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The case diary was called for in the present case which has since been received.

Learned counsel for the petitioner submits that the name of the present petitioner has come into the present case only on the basis of suspicion and there is no cogent material in record to implicate him. He further submits that though his name has surfaced in the confessional statement made before the police by

one Lalanjit Yadav @ Bhakuli Yadav, the same cannot be used against him as the same does not have any evidentiary value in the eye of law.

Learned counsel appearing on behalf of the informant submits that the husband of the informant (deceased) had given a Sanha prior to the date of the occurrence stating that the present petitioner along with other accused persons had been threatening him not to give evidence in the case regarding the murder of the husband of Kala Mishra and therefore he apprehended threat to his life. The confessional statement also gives graphic details of the manner in which the occurrence committed by the petitioner and other accused persons particularly Kala Mishra.

Learned counsel for the State after perusal of the case diary submits that the name of the petitioner has figured not only in the confessional statement and in the Sanha, filed earlier by the deceased himself but also in several paragraphs of the case diary including paragraph-125 which clearly records the call details of several accused persons including the present petitioner. In the said paragraph, the investigation has come to the finding that the petitioner Kailash Yadav had been continuously communicating that Kala Mishra and the tower location has been found at the village of the deceased, where the offence was committed.

Considering the entire gamut of circumstance and there is specific material in the case diary, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the anticipatory bail filed on behalf of the petitioner Kailash Yadav is rejected.

(Anjana Mishra, J)

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