

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 23375 of 2016**

Arising out of P.S. Case No. -434 Year- 2015 Thana -  
BODHGAYA District- GAYA

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Surendra Yadav S/o Balchand Yadav resident of village -  
Baiju Bigha, P.S. Bodh Gaya, District – Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s: Mr. Ramesh Chandra (APP)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

ORAL ORDER

**03. 28.07.2016**

Heard both sides.

The Petitioner apprehends his arrest in Bodh Gaya P.S. Case No. 434 of 2015 registered for the offences punishable under Section 364 of the Indian Penal Code pending before the Chief Judicial Magistrate, Gaya.

The Informant alleged that 2-4 unknown persons came to his guest house and took away his father. When the father of the Informant did not return the Informant lodged the case making allegation that the petitioner and others have got an enmity and they might have killed his father.

It is submitted that save and except suspicion there is no material against the petitioner but the petitioner has got criminal antecedents. It is submitted that similarly situated co-accused, Musafir Yadav, Uday Shankar Yadav @ Uday Shankar Nirala, Parmanand Vishwakarma, Anand Yadav @

Anand Kumar, Kanchnand Yadav @ Dayanand Kumar have already been granted anticipatory bail vide order dated 16.05.2016 passed in Cr. Misc. No. 9256 of 2016, Cr.Misc. No. 12400 of 2016 and Cr. Misc. No. 15328 of 2016. The case of the petitioner stands on the same footing.

Learned Additional PP as well as learned counsel for the Informant submits that the case of the petitioner stands on different footing to the extent that the petitioner has got criminal antecedents and Vijay Kumar who has also got criminal antecedents whose anticipatory bail has been rejected vide order dated 20.07.2016 passed in Cr. Misc. No. 20.07.2016.

Considering the facts aforesaid and the petitioner has got criminal antecedents, I am not inclined to enlarge the petitioner, above named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below and pray for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that all other similarly situated co-accused persons have already been granted anticipatory bail and dispose of the bail of the petitioner preferably on the same day.

**(Prabhat Kumar Jha, J.)**

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