

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30240 of 2016

Arising Out of PS.Case No. -121 Year- 2011 Thana -RAJPUR District- BUXAR

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1. Ram Suresh Yadav @ Langa Yadav Son of Baliram Yadav, resident of village- Sarenja, P.S., Rajpur, District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 17-10-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner and two others are said to have opened fire on deceased but submission on behalf of the petitioner is that having similar allegation, co-accused Ashok Yadav and Jitendra Yadav have already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 03.05.2013 passed in Cr. Misc. No. 12146 of 2013, which is evident from perusal of Annexure-2 to the petition.

Learned counsel appearing for the informant opposed the prayer of the petitioner for bail submitting that the present occurrence took place in the year 2012, whereas petitioner could be remanded in this case after five years and, moreover, petitioner

does have criminal antecedent of several cases. It is also pointed out that while petitioner is in custody, at his instigation, associates of petitioner made attempt to commit murder of a jail inmate.

From perusal of Annexure-2 to the petition, I find that co-accused Ashok Yadav and Jitendra Yadav have been granted privilege of bail by a co-ordinate Bench of this Court but at the time of granting bail to those co-accused, the concerned Bench was under impression that there was no specific overt act against those co-accused persons. However, first information report goes to show that petitioner and the aforesaid co-accused made firing upon the deceased. Therefore, considering the aforesaid facts and circumstances as well as submission of the parties and also taking note of previous conduct of the petitioner, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Session trial no. 114 of 2016 arising out of Rajpur P.S.Case No. 121 of 2011, pending in the court of Additional Session Judge-III, Buxar, stands rejected.

(Hemant Kumar Srivastava, J)

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