

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30392 of 2016

Arising Out of PS.Case No. -70 Year- 2014 Thana -CHANDRADEEP District- JAMUI

Sakindar Yadav, Son of Arjun Yadav, resident of Village- Bhaluana, Police Station- Chandradeep, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in connection with Chandradeep P.S. Case No. 70 of 2014 dated 20.08.2014 instituted under Sections 302/120B/34 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner and 8 others is of killing the brother of the informant.

Learned counsel for the petitioner submits that though he is named in the F.I.R. but the deceased himself was a veteran criminal

due to which he was murdered by a rival gang and only on account of previous enmity he has been implicated, as the petitioner is also a witness in Chadradeep P.S. Case No. 88 of 2012 which was instituted for murder of the father of co-accused Naresh Yadav.

Learned A.P.P. submits that admittedly death has been caused due to indiscriminate firing by persons, including the petitioner, and at this stage it cannot be said that he is innocent.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the court below within one month from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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