

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47258 of 2015

Arising out of PS.Case No. -55 Year- 2005 Thana -KHIJARSARAI District- GAYA

Ramjee Yadav, Son of Late Jagdev Yadav, resident of village - Saikh Bigha, Police Station - Khizer Sarai and District – Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Mr. Ram Sevak Choudhary(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-03-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Khizar Sarai P.S. Case No. 55 of 2005 for the offences instituted under Sections 147, 148, 149, 323, 307 of the IPC., ¾ of the Explosive Substances Act and 17 of the C.L.A. Act.

The prosecution story, in brief, is that the petitioner being the member of terrorist group armed with Lethal weapon surrounded the house of the informant and keeping the family members confined therein not only damaged the property but also looted the same and in course thereof, also assaulted the father of

the informant and his other family members in a brutal manner and thereafter fled away.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. No specific injury has been attributed against the petitioner. General and omnibus allegation has been made against the petitioner. The other co-accused persons in the present case have already been acquitted by the trial court. From perusal of Annexure-2, it is evident that the matter has been compromised between the parties. The petitioner has falsely been implicated in the present case due to land dispute.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. There is allegation of confining the family members of the informant and the household articles are said to have been looted by the accused persons and the case is of the year 2005. Delay on the part of the petitioner has not been explained.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Khizer Sarai P.S. Case No. 55/2005, pending in the court of the learned J.M. Ist Class, Gaya. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order

taking into account the submissions made on behalf of the petitioner.

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(Sudhir Singh, J)

