

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27160 of 2016

Arising Out of PS.Case No. -378 Year- 2011 Thana -BANKA District- BANKA

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Pradeep Yadav, son of Thano Yadav, Resident of Village- Bhadariya, P.S.
Banka, District-Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-09-2016 Heard both sides.

The petitioner apprehends his arrest in Banka P.S. Case No. 378 of 2011 registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code, under Sections 3, 4 and 5 of the Explosive Substances Act and Section 27 of the Arms Act.

The informant Baso Devi alleged that on 18.11.2011, the accused persons came to the house of her sister-in-law having armed with bombs. The accused persons assaulted Kamli Devi, Amola Devi and Budhni Devi. Pradip Yadav dragged Rukma Kumari out of her hut and exploded bomb on her. Rukma Devi daughter of the informant died on the spot. The accused persons fled away firing and exploding bombs.

Learned counsel for the petitioner submits that the petitioner is innocent and he has committed no offence. There is counter case bearing Banka P.S. Case No. 324 of 2011, registered under Section 307 and other Sections of the Indian Penal Code and Section 27 of the Arms Act. It is further submitted that Rukma Devi died due to firearm injury and not on account of explosion of bomb. The injuries found on her body were post-mortem injuries.

From perusal of the post-mortem report as well as the case diary, it appears that the deceased got one penetrating wound on elbow joint and another injury is lacerated wound of blackish margin. The pellet penetrated spleen and ruptured the spleen. The witnesses have very categorically stated that firing was also made and the petitioner exploded bomb causing death of Rukma Devi.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Banka P.S. Case No. 378 of 2011, pending in the court of Chief Judicial Magistrate, Banka. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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