

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14332 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -SONBERSA District- SAHARSA

1. Harisaranam Yadav @ Kari Yadav @ Hari Sharan Yadav S/o Chandra Shekhar Yadav@Chandra Gosh Yadav R/o Manori PS Sonbarsa,n District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. U.S.P.Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-05-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail custody since 05.12.2015 in a case registered for offences punishable under Sections 302, 379/34 of the I.P.C. and 27 of the Arms Act.

The prosecution case as lodged on the basis of written report by the informant on 04.6.2015 to the S.H.O., Sonbarsa is that in previous night, all the accused persons including the petitioner entered in his house and looted Rs. 50,000/- and assaulted his brother and father. It is further alleged that on the order of Chandra Shekhar Yadav, Dilip Yadav fired on deceased's head whereas petitioner fired on under the arm (panjara) of the

deceased, due to which he died. It is further alleged that he was sleeping on the roof of his house along with other family members at the time of occurrence . It is further alleged that the deceased was released from the jail few days ago of the occurrence and accused persons had threatened him to kill.

It has been submitted by the learned counsel for the petitioner that the informant's brother Mukesh Yadav (deceased) was a veteran criminal and there is personal enmity between them and as such, the petitioner has been falsely implicated. He further submits that the informant was not an eye witness and was sleeping on the roof of the house when the occurrence took place at 2. P.M. at night and after hearing commotion, he came down. He further submits that the co-accused, one Dilip Yadav had fired on the deceased on the head, which resulted in his death.

Learned counsel appearing for the informant submits that the petitioner is named in the F.I. R. and as per the post mortem report, two injuries have been found inflicted by the petitioner and the allegation is specific and petitioner does not have a clean antecedent.

Learned A.P.P. for the State submits that many of witnesses have supported the prosecution case and the allegations being specific, hence, opposes the prayer for bail.

Be that as it may, since the allegation upon the petitioner is of killing the brother of the informant, I am not inclined to grant privilege of bail to the petitioner in connection with Sonbarsa Raj P. S. Case No. 86/2015, pending in the Court of learned Chief Judicial Magistrate, Nawada.

The prayer for bail, is accordingly rejected.

(Nilu Agrawal, J)

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