

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42882 of 2015

Arising Out of PS.Case No. -131 Year- 2012 Thana -HALSI District- LAKHISARAI

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1. Basant Yadav Son of Budhu Yadav, Resident of Village - Dhira, P.S. - Halsi, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Ashok Kr.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 10-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 302/34 of the I.P.C and section 27 of the Arms Act.

The petitioner is named in the FIR with the allegation that he and other co-accused shot the deceased by fire arms and in the postmortem report also the doctor has found five gun shot injuries on the person of the deceased.

Submission is of false implication and that in this case co-accused Pravesh Yadav, Sunil Yadav, Nageshwar Yadav and Lalan Yadav have already been allowed bail but prayer for bail of co-accused Yogendra Yadav @ Rajendra Yadav and Arjun Yadav

was rejected. There is no specific allegation against the petitioner and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the case of Pravesh Yadav, Sunil Yadav, Nageshwar Yadav and Lalan Yadav are on different footing as they had not been named by any other witnesses except the informant before the police as the assailants of the deceased on the same day immediately after recording of the FIR including by Srimula Devi, wife of the informant, prayer for bail of similarly situated co-accused Yogendra Yadav and Arjun Yadav have already been rejected.

In the facts and circumstances as stated above, considering that the case of the petitioner is similar with that of co-accused Yogendra Yadav and Arjun Yadav and as such prayer for bail of the petitioner also stands rejected in connection with Halsi P.S. Case No. 131 of 2012 pending in the court of C.J.M. Lakhisarai.

(Jitendra Mohan Sharma, J)

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