

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51281 of 2015

Arising Out of PS.Case No. -135 Year- 2013 Thana -KOCH District- GAYA

1. Laxman Yadav son of Sri Bhondu Yadav @ Saryu Yadav resident of Village- Khaira, P.S. Konch, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 10-03-2016

Supplementary affidavit has been filed disclosing the criminal antecedent of the petitioner. Keep it on the record.

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 offences punishable under sections 147, 148, 149 and 302 of the I.P.C, section 27 of the Arms Act and section 17 of the Cr. L.A. Act.

Allegedly, in the occurrence the petitioner and Umesh Yadav caught Surendra Prasad Yadav, the husband of the informant, and shot him. The informant identified other accused persons also who fled away.

Submission is of false implication and that there is no eye witness of the occurrence, the informant though has claimed to see the occurrence but the version of the informant appears not

reliable, during investigation witness Sitapari Devi has stated that the petitioner and other co-accused opened indiscriminate firing and other co-accused, namely, Ramanuj Yadav, Anil Yadav, Sunil Yadav and Ranjeet Yadav have already been allowed bail by other coordinate Benches of this Court and as such the petitioner who is suffering in custody since 16.04.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the informant in her further statement and further witness Sanjay Yadav have stated that the petitioner and co-accused Umesh Yadav shot Surendra Prasad Yadav causing his death and further the petitioner has got criminal antecedent which is evident from the supplementary affidavit and earlier also he was involved in the case punishable under sections 302/34 and other allied sections of the Indian Penal Code.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Konch P.S. Case No. 135 of 2013 pending in the court of Miss. Akanksha Kashyap, J.M. 1st Class, Gaya.

Abhay/-

(Jitendra Mohan Sharma, J)

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