

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44039 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -MASAURHI District- PATNA

Chandraghosh Jadav @ Chandraghosh Yadav @ Ghosh Yadav @ Ghosh son of
Late Bineshwar Yadav Resident of Village-Jilal Bigha, P.S.- Masaurhi, District-
Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai, Advocate

For the State : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in Masaurhi P.S. Case
No. 99 of 2015 dated 03.04.2015 instituted under Sections
364/302/201/34 of the Indian Penal Code.

The allegation against the petitioner is of being party to
the killing of Surendra Sharma, brother of the informant.

Learned counsel for the petitioner submits that in the
F.I.R. he is not named and only on the basis of confessional statement
of Rahul Kumar before the police, he has been named to be one of the



persons, along with others, who was present at the time when the deceased was done to death. It is submitted that besides the said confessional statement, there is no other piece of evidence against the petitioner and only on suspicion, he has been implicated in the present case. Learned counsel draws the attention of the Court to order dated 24.09.2015 passed in Cr. Misc. No. 27093 of 2015 by which a co-ordinate Bench has granted anticipatory bail to co-accused Sarwesh Yadav @ Kumar Sarwesh Nandan @ Kumar Sarwesh and also to the order dated 01.12.2015 in Cr. Misc. No. 54259 of 2015 by which another co-accused Wakil Yadav has also been granted anticipatory bail by a co-ordinate Bench. He also refers to order dated 07.10.2015 passed in Cr. Misc. No. 27323 of 2015 by which Vinod Kumar @ Barhu Yadav @ Barhu Prasad has been granted regular bail by a co-ordinate Bench.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the confessional statement gives in detail the whole sequence of events leading to killing of Surendra Sharma and the same is quite natural and possible. It is submitted that the name of Sarwesh Yadav has been mentioned and the petitioner also works for him. It is further submitted that at this stage, the investigation by the police will, but naturally, take into account the information received from various sources and the confessional statement cannot be

brushed aside.

Having considered the rival contentions, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the court below within one month from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

U		T	
---	--	---	--