

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29450 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -LODIPUR District- BHAGALPUR

Pankaj Yadav @ Punkaj Yadav Son of Bhiko Yadav Resident of Sirampur,
P.S. Akbarpur District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate.

For the Opposite Party : Mr. Surendra Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-10-2016

Heard both sides.

The petitioner apprehends his arrest in Lodipur P.S. Case No. 123 of 2015 registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and under Section 27 of the Arms Act.

The informant stated in his fardbeyan that his brother Nilesh Kumar @ Shyam Kumar went to Bhagalpur along with Amarjeet Kumar and disclosed that he would return after seeing Mastersaheb after half an hour. At 06:00 p.m. the brother of the informant Nilesh Kumar disclosed that he was with Pankaj Yadav @ Punkaj Yadav and Jainu Yadav and assured to return within half an hour but Nilesh Kumar did not return. After sometime the informant got information that Nilesh Kumar was shot dead. The informant alleged that the petitioner and other accused persons after hatching up conspiracy killed his brother.

Shri Ajit Kumar Singh, learned counsel for the petitioner submits that the petitioner is, of course, named in the FIR, but no specific allegation is made against the petitioner. The informant simply alleged that his brother disclosed that he was with Pankaj Yadav @ Punkaj Yadav and Jainu Yadav. Amarjeet Yadav confessed his guilt in paragraph-45 of the case diary and disclosed the entire facts as to how Nilesh Kumar was killed by his brother-in-law Shintu Yadav. Amarjeet Yadav did not disclose the name of the petitioner in killing the deceased Nilesh Kumar. There is no other material against the petitioner, but from perusal of the FIR and the case diary it appears that the informant has very categorically stated that the deceased himself disclosed just before his death that he was with Pankaj Yadav @ Punkaj Yadav and Jainu Yadav immediately thereafter the informant got information about killing of his brother. During course of investigation many witnesses in paragraph-20 and onwards of the case diary disclosed that the petitioner and other accused persons hatched up a conspiracy to kill Nilesh Kumar due to previous enmity.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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