

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42992 of 2016

Arising Out of PS.Case No. -145 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

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Upendra Yadav , s/o Raj Pati Yadav, resident of village Banbhaura Police
Station Bithan District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-10-2016 Heard Sri Abhimanyu Sharma, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, who is in custody since 10.12.2015
in Bithan P.S. Case No. 145 of 2013 registered for the offence
under Section 302/34, 379 / 120(B) of the Indian Penal Code and
Section 27 of the Arms Act and Section 3 / 4 of the Explosives
Substance Act corresponding to Sessions Trial No. 100 of 2016
has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that petitioner has falsely been implicated due to the reason that
prior to the present occurrence nephew of the petitioner was done
to death by the deceased of the present case. He submits that son
of the informant of the present case was made accused in Bithan
P.S. Case No. 59 of 2013 in which own brother of the petitioner

Sikandar Yadav was informant and only with this animosity petitioner has been made accused. He further submits that some of the accused persons have been granted regular bail and some of the accused persons have been granted anticipatory bail.

However, considering the accusation made in the F.I.R. which suggests that in a deep rooted conspiracy several accused persons arrived at the place of occurrence on motorcycle thereafter son of the informant was fired upon and while fleeing away they again stopped and fired and in the said occurrence one passer-by also received injuries who also died. Moreover, from perusal of the impugned order it appears that the case is at the stage of trial. It was accepted by learned counsel for the petitioner that charge has already been framed on 19.7.2016. Since in the case trial has already commenced as well as considering the nature of accusation, I am not inclined to extend the privilege of bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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