

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14460 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -JAMHORE District- AURANGABAD

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1. Anil Yadav S/O Sri Rambilash Yadav, R/o Village + P.O.- Giyana, P.S.-
Jamhore, District- Aurangabad (Bihar) Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 20-06-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Jamhore
P.S. Case No. 67 of 2015 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Allegedly, deceased Arun Yadav informed through
mobile to the informant that his brother Anil Yadav shot him and
then the informant and his sister Madhu Devi went there and the
deceased Arun Yadav before his death stated that at the instigation
of Arbind Yadav and Sadhu Yadav, Anil Yadav shot him with
pistol causing injury in his rib-cage. During treatment Arun Yadav
died.

Submission is of false implication and that the
petitioner is the own brother of the deceased, the informant has

implicated the petitioner and others with an oblique motive, the deceased was a criminal minded person and he might have been killed by another person, he was charge-sheeted accused in Sone Nagar P.S. Case No. 20 of 2008 under Sections 395 and 397 IPC and, as such, the petitioner deserves sympathetic consideration, First Information Report has been lodged after much delay at ANMCH, Gaya though earlier the deceased was admitted in Aurangabad Sadar Hospital. The petitioner is suffering in custody since 08.12.2015 and, as such, he deserves sympathetic consideration as co-accused Arbind Yadav and others have already been allowed bail.

The learned APP opposes the prayer of bail by submitting that the petitioner is the assailant and his name was taken by the deceased before his death.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Jamhore P.S. Case No. 67 of 2015 pending in the court of learned C.J.M., Aurangabad.

(Jitendra Mohan Sharma, J)

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