

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.15344 of 2016**

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

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1. Sintu Yadav @ Satyendra Yadav S/o Suggan Yadav Resident of Village -  
Babupur, P.S.- Sabour, District - Bhagalpur. .... Petitioner/s  
Versus

1. The State of Bihar. .... Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate  
Mr. Dhananjaya Nath Tiwari, Advocate  
For the Opposite Party/s: Mr. Shyam Kumar Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

3      16-05-2016      Heard both sides.

The petitioner apprehends his arrest in a case under  
Section 302, 120B of the Indian Penal Code and under Section 27  
of the Arms Act.

Sri N. K. Agrawal, learned senior counsel for the  
petitioner, submits that petitioner is not named in the FIR and the  
informant has very categorically named the accused persons and  
suspected that they might have killed his brother on account of  
land dispute and also for the reason that his brother was having  
affairs with the sister of Amarjit Kumar. During the course of  
investigation the name of the petitioner figured in the so-called  
exculpatory confessional statement of co-accused Amarjit Kumar  
in paragraph 45 of the case diary. Save and except the  
confessional statement of co-accused, there is no other material to  
show involvement of the petitioner even the SIM card does not

belong to the petitioner.

It appears that at the time of killing of the deceased two mobile Nos. were used. One of the SIM card was issued in the name of Amarjit Kumar whereas the other was issued in the name of Naziruddin, resident of Khagaria district and when Amarjit was arrested he disclosed that he along with this petitioner and others killed the deceased. Amarjit also disclosed that he gave the SIM to the petitioner from which the call was made to the mobile of deceased at many times on the date of occurrence.

Considering the facts aforesaid and the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the court below, i.e., learned Additional Chief Judicial Magistrate-IV, Bhagalpur in Lodipur P.S. case No. 123/2015, and the court below shall consider the prayer for regular bail without being prejudiced from the order of this court.

**(Prabhat Kumar Jha, J)**

BKS/-

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