IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5936 of 2017

Arising Out of PS.Case No. -60 Year- 2016 Thana -BASNAHI District- SAHARSA

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Narayan Yadav Son of Lakshman Yadav Resident of Village Barsam, Police Station - Basnahi, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Satish Kumar Singh
For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-03-2017 Heard the learned counsel for the petitioner, the learned A.P.P. for the State as also the learned counsel for the Informant.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Basnahi P.S. Case No. 60 of 2016 for the offences punishable under sections 147, 149, 341, 323, 379, 302 and 504 of the I.P.C.

Allegedly, the petitioner and other FIR named accused persons were assaulting the father of the informant and when the informant came then Prabhash Yadav and two unknown caught him and directed to be stand up silently and when the elder father came who was also caught by 2-3 unknown persons. The petitioner said to kill at once by strangulating. Prabhash Yadav snatched chain from the neck of the informant and thereafter

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Pankaj Yadav and Sanjay Yadav came there and asked the petitioner as to why they killed Naresh Yadav and then they fled away.

Submission is of false implication and that against the petitioner only allegation is that he gave order, the informant appears not an eye witness, in the inquest report the investigating officer has found the death suspicious and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that it was the petitioner who was assaulting and instigating to kill the father of the informant and ultimately the father of the informant was killed.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M. Saharsa.

(Jitendra Mohan Sharma, J)

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