

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16228 of 2017

Arising Out of PS.Case No. -344 Year- 2015 Thana -TEKARI District- GAYA

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Kallu Yadav @ Lal Babu Yadav, Son of Raghunandan Yadav, resident of
Village- Bali, P.S.- Tekari, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Sri Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-04-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Sessions
Trial Case No. 12/16/73/16 arising out of Tekari P.S. Case No.
344 of 2015 registered under Sections 147, 148, 149, 341, 302
and 120-B of the Indian Penal Code.

It is the third attempt by the petitioner for grant of
bail. The first application of the petitioner was earlier rejected by
this Court vide order dated 01.02.2016 passed in Cr. Misc. No.
53447 of 2015. Thereafter, his second application for bail was



rejected vide order dated 16.11.2016 passed in Cr. Misc. No. 47381 of 2016.

Learned counsel for the petitioner has drawn my attention towards the orders dated 24.01.2017 and 01.03.2017 passed in Cr. Misc. No. 49373 of 2016 and Cr. Misc. No. 8851 of 2017 whereby two other co-accused namely, Madan Yadav and Shankar Mistri @ Shivshankar Sharma @ Sheo Shankar Sharma respectively have been granted bail by different Benches of this Court. He has submitted that the case of the petitioner stands on identical footing to that of co-accused Madan Yadav and Shankar Mistri @ Shivshankar Sharma @ Sheo Shankar Sharma who have already been granted bail. It is stated by the learned counsel for the petitioner that by now three witnesses have been examined during trial and they have not supported the allegations made in the FIR.

I have carefully perused the aforesaid two orders. I find that unfortunately neither the petitioner nor the State brought to the notice of the Court that the petitioner Kallu Yadav @ Lal Babu Yadav and another co-accused Munna Kumar @ Munna Kumar Yadav had earlier moved before this Court and their prayer for bail was rejected as back as on 01.02.2016 and 16.11.2016.



Thus, in the opinion of this Court, the aforesaid two accused namely, Madan Yadav and Shankar Mistri @ Shivshankar Sharma @ Sheo Shankar Sharma obtained bail from different Benches of this Court by suppressing material facts. On merits, I find that it is a case of double murder. The informant claimed himself to be an eye witness to the occurrence and, in his presence, both his sons were allegedly killed by the accused persons named in the FIR including the petitioners of these cases.

Having regard to the gravity of the offence, active role alleged against the petitioner and the advanced stage of the trial, I see no reason to take a different view of the matter even though two other similarly situated co-accused have been allowed bail by different Benches of this Court.

Accordingly, the application for bail is rejected.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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