

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19608 of 2017

Arising Out of PS.Case No. -367 Year- 1994 Thana -BANKA District- BANKA

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1. Hari Yadav, Son of Late Karu Yadav, Resident of Village- Kunauni,
Police Station- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-05-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Banka
P.S Case No. 367 of 1994 registered for the offences punishable
under Sections 144, 379, 386, 342, 436, 427 of the Indian Penal
Code.

Allegedly, the petitioner and other co-accused along
with unknown came and started cutting the crops on Gairmajarua
Aam land and when the informant raised objection then the
petitioner and other co-accused pointed gun towards them and
directed the labourers to cut the crops and put their house on fire.
Braj Mohan Singh set the house of the informant on fire, Madhav
Singh set the house of Arjun Das on fire and petitioner set the



house of Laljee Das on fire, resulting, all the household articles were burnt and further they opened fire and threw bomb also, they also caused threats, if the case would be lodged then they would be killed.

Submission is of false implication and that the petitioner has got no knowledge about the case, on his behalf anticipatory bail petition was filed before the learned Sessions Judge but against the order no bail petition was filed in this court. The petitioner has got no criminal antecedent, he has not taken any part in the crime, he has not set the house on fire, the police has found land dispute and submitted final form but the learned C.J.M. has taken cognizance. Actually, Braj Mohan Singh was looking after the case but he is no more, the petitioner is a senior citizen and he is suffering in custody since 27.02.2017 and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P opposes the prayer of bail by submitting that against the petitioner there is allegation for setting the house on fire as well as pointing out the gun.

In the facts and circumstances stated above, considering that this is the case of the year 1994 and after cognizance the petitioner and another remained absconding and has been apprehended after long lapse of time and further



allegation is against the petitioner for setting the house on fire and, as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected, in connection with Banka P.S Case No. 367 of 1994 pending in the Court of learned Chief Judicial Magistrate, Banka.

(Jitendra Mohan Sharma, J.)

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