

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15231 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -BIKRAM District- PATNA

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Ramadhar Yadav Son of late Dayanand yadav Resident of Village- Dokhan
Mathiyan, P.S. Dulhin Bazar, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 09-05-2017 Heard both sides.

The petitioner apprehends his arrest in Bikram P.S.
Case No. 126/2016, registered for the offences punishable under
Sections 302, 120(B) of the Indian Penal Code and section 27 of
the Arms Act.

The informant named 08 accused persons including
the petitioner Ramadhar Yadav and alleged that while he was
returning with his brother to his village on a bus, the accused
persons overtook the bus and dragged his brother from the bus.
Ranjeet Yadav fired which hit on the shoulder of his brother and
the accused persons namely, Raju Yadav fired which hit on the
waist of his brother. Ajay Prasad Yadav @ Saheb Yadav fired
which hit on the chest of his brother and he died on the spot.



Learned senior counsel for the petitioner Mr. Yogesh Chandra Verma submits that the petitioner is not alleged to have fired. 03 persons namely, Ranjeet Yadav, Raju Yadav and Ajay Prasad Yadav @ Saheb Yadav are alleged to have fired, but only two fire-arm injuries are found on the person of the deceased. It is further submitted that petitioner is one of the accused who is alleged to have dragged the deceased from the bus and similarly situated co-accused Tripurari Yadav has been granted anticipatory bail by a co-ordinate bench of this court. Ajay Prasad Yadav is alleged to have fired which hit on the chest of the deceased has also been granted regular bail. The case of the petitioner stands on the same footing as that of Tripurari Yadav, so the petitioner may also be enlarged on anticipatory bail, but it appears that the informant and other witnesses have made very specific allegation that all the accused persons including the petitioner dragged the deceased out of the bus and 03 persons namely, Ranjeet Yadav, Raju Yadav and Ajay Prasad Yadav are said to have fired which hit on the shoulder, waist and chest of the deceased. Similarly situated co-accused Ganga Dayal and another have been granted regular bail by this court.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge



the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated co-accused Ganga Dayal and another have been granted regular bail and dispose of the bail petition on the same day.

(Prabhat Kumar Jha, J.)

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