

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48914 of 2016

Arising Out of PS.Case No. -152 Year- 2014 Thana -NAWANGAR District- BUXAR

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1. Rinku Yadav @ Dhanjee Yadav Son of late Saral Yadav, Resident o
Village- Khochariyanwa, P.S.- Bagengola, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 28-01-2017 Heard learned counsels for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since
11.07.2016 in a case registered for the offences punishable
under section 392 in connection with Nawanagar (Sonbarsa)
P.S. Case No.152/2014, pending before the learned CJM,
Buxar.

The accusation is of committing robbery of
Rs.1,15,150/- contained in a bag from the informant, on the
point of country made pistol, leading to registration of FIR
against unknown.

It is submitted by learned counsel for the
petitioner that the FIR has been registered against the



unknown and the petitioner has maliciously been roped in the present case. In fact, the petitioner was outside in connection with his livelihood and as soon as he came to know he surrendered before the lower court in connection with Piro P.S. Case No.146/2014. There is no recovery from the possession of the petitioner and he has been roped in the present case only on the confessional statement of co-accused Parsuram Yadav and Manoj Yadav, who have been granted the privilege of bail vide order dated 23.06.2015 and 11.06.2015 passed in Criminal Miscellaneous No.18963/2015 and Criminal Miscellaneous No.18875/2015 respectively.

Learned APP for the state submits that the case of the petitioner is not that of the accused persons, who have been granted privilege of bail and moreover, the petitioner is accused in altogether 16 cases. Above all, in Criminal Appeal No. 1272 of 2015 (Niru Yadav vs. The State of U.P.), the Hon'ble Apex Court has observed that if any of the accused have serious criminal antecedent, he cannot take advantage of similarly situated accused persons. Hence, he is



opposing the prayer for bail of the petitioner.

Considering the nature of accusation, this court is not inclined to grant bail to the petitioner at present. Accordingly, the application for bail on behalf of the petitioner is rejected.

(Arvind Srivastava, J)

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