

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15587 of 2017

Arising Out of PS.Case No. -517 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

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Rama Nand Yadav, S/o Late Chedi Yadav, resident of Village- Tilladhi,
P.S.- Sour Bazar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party : Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-06-2017 Heard Mr. Pramod Kumar Singh, learned counsel for

the petitioner, learned counsel for the informant and learned APP

for the State.

The petitioner apprehends his arrest in Sour Bazar P.S.

Case No. 517 of 2015 registered for the offences punishable under

Sections 302 and 34 of the Indian Penal Code and under Section

27 of the Arms Act.

The informant named the petitioner and others and

alleged that at 09:00 in the morning his neighbour Khamsheri

Devi came and assaulted his she buffalo. Dilkhush Yadav, son of

the informant forbade her but Khamsheri Devi began to abuse

him. Santosh Yadav and others including the petitioner came and

dragged down son of the informant to the by lane. Santosh Yadav



fired again Rama Nand Yadav fired and thereafter son of the informant fell down on the ground and died.

Shri Pramod Kumar Singh, learned counsel for the petitioner submits that there is a counter version being Sour Bazar P.S. Case No. 525 of 2015 in which Santosh Yadav got injuries on his head and the petitioner Rama Nand Yadav took him to hospital for treatment but, from perusal of the FIR of Sour Bazar P.S. Case No. 517 of 2015 it appears that the informant has not explained about the injuries found on the persons of Santosh Yadav. It is further submitted that Dilkhush Yadav got only one firearm injury. There is one wound of entry and another wound of exit. The doctor in the post-mortem report opined that both the injuries are communicating to each other. It is further submitted that Santosh Yadav is said to have fired and thereafter the petitioner is said to have fired but only one firearm injury was found. Therefore, it cannot be said that the petitioner is the assailant of the deceased.

On the other hand learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that almost all the witnesses have stated that Santosh Yadav and his brother Rama Nand Yadav fired causing injury to Dilkhush Yadav. There is allegation that the petitioner along with other accused persons



dragged the deceased from his house and took to a by lane where firing was made. It is further submitted that from perusal of paragraph-95 of the case diary, it would appear that the petitioner has got criminal antecedent and he is accused in as many as seven criminal cases but the petitioner has stated in paragraph-3 of the bail petition that he has got no criminal antecedent.

From perusal of the records, it appears that there is specific allegation that the petitioner along with Santosh Yadav and others dragged Dilkhush Yadav and forcibly took him to by lane and firstly Santosh Yadav fired and the second shot was fired by the petitioner thereafter Dilkhush Yadav fell down on the ground. The informant has nowhere stated that firing made by Santosh Yadav hit his son. The petitioner has got criminal antecedent.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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