

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32361 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -KAJRAULICHAK District- BHAGALPUR

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Bijay Yadav, son of Jageshwar Yadav, resident of Village- Gourachaunki,
P.S.- Kajraili, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate.
For the informant Ms. Geeta Kumari Jha, Advocate.
For the State : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kajraili P.S. Case No. 23 of 2017, registered under Sections 147, 148, 448, 341, 323, 149, 324, 325, 307, 302 and 427 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Additional Chief Judicial Magistrate, Bhagalpur.

The allegation of informant is that her son, Himansu Kumar, fallen in live with Soni Kumari, daughter of Pramanand Yadav, and both left the village, for which, Pramanand Yadav lodged a case against her son but after recording the statement of Soni Kumari there was no progress in the case. Later on, in the



month of April, 2017, Himansu Kumar, son of the informant, and Soni Kumari left the village but both returned back in the house of the informant and performed the marriage and started to live in her house. On 05.06.2017, Pramanand Yadav, father of Soni Kumari, arranged Panchayati with regard to performance of marriage of his daughter with Himansu Kumar. Later on, 21 persons named in the F.I.R. including the petitioner came at the door of the informant having armed with lethal weapon including the pistols and entered in her house. At that time, Parmanand yadav, started to case assault to Himansu Kumar, son of the informant through Khanti whereas Kusho Yadav, Gokul Yadav, Pankaj Yadav, Arun Yadav, Vivek Yadav, Varun Yadav and Suman Yadav opened fire at the chest of Himansu Kumar, who rushed at Bhagalpur Hospital but he died in course of treatment.

Learned counsel for the petitioner submits it would appear from the F.I.R. there was dispute in between Himansu Kumar, son of the informant and Pramanand Yadav, father of Soni Kumari, due to performing the marriage of Soni Kuamri with Himansu Kumar. The petitioner being the co-villager has falsely been implicated in this case. It is further submitted that petitioner is aged about 65 years and at present he is suffering from Cancer. It is further submitted that co-accused, Ajablal Yadav, has already



been granted privilege of anticipatory bail by a Bench of this Court vide order dated 07.07.2017 passed in Criminal Misc. No. 29423 of 2017.

Having considered the facts and circumstances of the case and the nature of offence and manner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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