

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28939 of 2017

Arising Out of PS.Case No. -101 Year- 2015 Thana -LAURIYA District- WEST CHAMPARAN
(BETTIAH)

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Lachhan Yadav Son of Mahesh Yadav, Resident of Village- Padari, Police Station-
Lauriya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B. K. Mishra, Advocate

For the State : Ms. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Lauriya P.S.
Case No. 101 of 2015 dated 16.05.2015 instituted under Sections
302/201/34 of the Indian Penal Code.

3. The allegation against the petitioner and six others
is of killing the son of the informant.

4. Learned counsel for the petitioner submitted that
the allegation is based only on suspicion without there being any
cogent evidence to indicate the complicity of the petitioner in the
crime. Learned counsel submitted that on the date of occurrence,
marriage of the daughter of the petitioner was to be held and thus, it



cannot be believed that he would indulge in such activity. It was further submitted that the F.I.R. was lodged after seven days of the occurrence, which also raises doubt about the authenticity and reliability of the allegation. Learned counsel drew the attention of the Court to the fact that later on the informant has also filed a compromise petition before the Court below stating that the F.I.R. was lodged only on the basis of misunderstanding.

5. Learned A.P.P. submitted that the allegation against the petitioner is direct i.e., of calling the son of the petitioner from his house and later on he disappeared and his shirt was recovered indicating that he may have been done to death. Learned counsel submitted that the witnesses, including independent witnesses, have corroborated the fact that the petitioner also came and called the son of the informant to help him with regard to the marriage of his daughter and that a person who is expected to be busy with organizing the function of marriage of his daughter would find time to go and call the son of the petitioner indicates that it was preplanned and that the petitioner is not clean. Learned counsel submitted that the son of the petitioner has not yet been found but there are enough indication to the effect that he has been killed.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is



not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed

(Ahsanuddin Amanullah, J.)

P. Kumar

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