

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28738 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -KAJRA District- LAKHISARAI

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Anish Yadav Son of Hari Yadav Resident of Village : - Punadih, P.S. : -
Kajra, District : - Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat, Advocate

For the Opposite Party/s: Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-08-2017 Heard learned counsel for the petitioner,

learned counsel for the son of the deceased-informant and

the learned A.P.P. for the State.

Petitioner is languishing in judicial custody
since 28.02.2017 in connection with Kajra P.S. Case No.
02 of 2017 pending in the Court of learned Chief Judicial
Magistrate, Lakhisarai registered for the offence
punishable under Section 307 and other allied sections of
the Indian Penal Code and Section 27 of the Arms Act.
Later on, Section 302 of the Indian Penal Code has been
added.

The prosecution case, as lodged by the
deceased-informant, is that while he was in his field, eight



accused persons came and one of them fired and all others indiscriminately assaulted him, as a result, he sustained serious injuries and later on succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated because of being on inimical terms with the informant. He submits that the deceased-informant himself had a criminal background and several cases were pending against him. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution witnesses.

However, learned counsel appearing on behalf of the son of the deceased informant submits that it was a cold blooded murder in broad day light by all the accused persons, who had beaten him to death, although injury by fire arm is not on the vital part of the body. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly, rejected.



However, petitioner may renew his prayer for
bail after framing of charge.

(Nilu Agrawal, J.)

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