

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27491 of 2017

Arising Out of PS.Case No. -244 Year- 2017 Thana -BANKA District- BANKA

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Sanjay Yadav @ Sanjay Prasad Yadav, Son of Sri Chandra Shekhar Yadav,
resident of Village- Dhaka More, P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Shahi, Sr. Advocate.

Mr. Vipin Kumar, Advocate.

For the State : Mr. Sri Sakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

5 11-12-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Banka (Barahat) P.S. Case No. 244 of 2017, registered under Sections 341, 147, 148, 149, 323, 307, 386, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Chief Judicial Magistrate, Banka.

The accusation is that petitioner being the Ex-M.L.A. of Godda with his 4-5 personal Securities and 20-25 unknown, in the evening of 10.05.2017 boarding on 4-5 vehicles, came at the construction site of Jai Mata Di Construction engaged in constructing the gas filling plant at Masudnpur on the instruction of



I.O.C.L. Company and started abuse. On queryl the informant Bhushan Kumar was present there as site Manager disclosed his residence at Begusarai then he was also abused. In the meantime, Shailendra Kumar and Laltoon Thakur were assaulted by them through lathi and stick. At that time, cash of Rs.10,000/- and gold chain were also snatched and they asked to stop the work saying that none could work of construction at the site was taken by him and also threatened for dire consequences in case of non stopping the construction work. Earlier after allotment of the construction work pressure was being given to give the ransom at every stage of work.

Learned counsel for the petitioner submits, in fact, petitioner is Ex. M.L.A. and due to local politics the Officer-in-Charge of Barahat Police Station got managed to implicate him in the present case. It is further submitted that while the F.I.R. was lodged on 12.05.2017 at 11.05 P.M., but the Investigating Officer manipulated in the case diary, which was sent in the court and his own carbon copy of the case diary showing the 7 P.M. on 12.05.2017, but inadvertently he could not put the date and time in the copy of the Dy.S.P., which would appear from the carbon copy of the case diary, which has come to the office of Deputy Superintendent of Police. Further submission is that Dy.S.P., in his supervision note in paragraph 8 of the case diary, has arrived at



conclusion that injuries, as found on the person of injured Bhushan Kumar and Shailendra Kumar are of simple in nature and none has sustained the firearm injury and empty cartridge was also not found at the place of occurrence. According to him, the case is found true only under Sections 387, 323 and 504 of the Indian Penal Code. Further submission is that while the Investigating Officer of the case has detailed in the case diary about involvement of petitioner in nineteen cases, but out of nineteen cases, petitioner is acquitted in six cases, which would appear from the supplementary affidavit and other cases are related for the offence under Representation of People Act except few.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, 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.

(Rajendra Kumar Mishra, J)

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