

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17653 of 2017

Arising Out of PS.Case No. -165 Year- 2016 Thana -ALOULI District- KHAGARIA

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1. Subodh Yadav Son of Brahmdeo Yadav Resident of Village- Alauli,
P.S. Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate

For the Opposite Party/s : Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 364/302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to F.I.R. the petitioner was member of the unlawful assembly, which abducted to the husband of the informant, in her presence, and dragged him outside the house. One of the member Dharmbir Yadav allegedly committed death by causing fire-arm injury to the husband of the informant. The father and other family members of the deceased have supported the occurrence as eyewitness.



Learned counsel for the petitioner submits that the doctor has found three fire-arm injuries on the person of the deceased, which belies the prosecution case that the informant is eyewitness of the occurrence because informant says that only Dharmbir Yadav had caused close range firing near the pinea of the deceased. He further submits that there was no electric supply in the locality since several days. Hence, claim that the accused were identified in the electric light is also concocted one. There is delay in sending the F.I.R. to the Court. In the circumstances, chances of concoction cannot be ruled out.

Learned counsel for the State as well as informant opposed the prayer for anticipatory bail.

Considering the fact that at this stage statement of the eyewitness cannot be disbelieved, I am not inclined to grant anticipatory bail to the petitioner in connection with Alauli Police Station Case No. 165 of 2016, pending in the Court of learned Chief Judicial Magistrate, Khagaria/Successor Court. Hence, the prayer for anticipatory bail is refused. However, prayer for regular bail shall be disposed of without being prejudiced by this order.

(Birendra Kumar, J)

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