

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27471 of 2017

Arising Out of PS.Case No. -143 Year- 2016 Thana -BITHAN District- SAMASTIPUR

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1. Arvind Yadav @ Arvind Kumar, son of Jay Narain Yadav, resident of Village- Pushaho, P.S.- Bithan, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-10-2017 Heard Sri S.N.P. Sinha, the learned senior counsel

for the petitioner, the learned Additional Public Prosecutor and the

learned counsel for the informant.

The petitioner apprehends his arrest in Bithan P.S.

case No. 143 of 2016 for the offences punishable under Section

302 and other Sections of the Indian Penal Code and under Section

27 of the Arms Act.

The informant alleged that while he was standing

near the Darwaja of Uma Shanker Yadav, his sister-in-law came

there running and shouted to flee away. The informant saw

Santosh Yadav, Arvind Yadav, the petitioner, Ranjit Yadav and

others, who made indiscriminate firing on the order of Santosh

Yadav. In the firing Anju Devi, sister-in-law of the informant, got



fire arm injuries in her cheek and she died on the spot.

The learned senior counsel for the petitioner submits that the petitioner is, of course, named in the FIR but the informant named nine persons and made omnibus and general allegation that on the order of Santosh Yadav other accused persons made indiscriminate firing and only one injury was found on the cheek of the deceased, Anju Devi. It is further submitted that Sanjay Yadav, the informant, is witness of the inquest but he gave fard bayan after preparation of the inquest report. The doctor did not find any fire arm injury. In the post mortem report the doctor found incised wound. None of the witnesses has stated that who fired shot which hit the deceased. Similarly situated five accused persons, including the order giver Santosh Yadav, have been granted anticipatory bail vide order dated 07.07.2017 passed in Cr. Misc. No. 29808 of 2017 by a co-ordinate Bench of this court.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor submitted that it is case of broad day murder of a lady. The accused persons made indiscriminate firing. Two accused persons, namely, Santosh Yadav and Jugli Yadav have been granted regular bail. The petitioner has got criminal antecedent and two



criminal cases are pending against him.

It appears that case of the petitioner stands on the same footing as that of Ganga Yadav and others, who have been granted anticipatory bail, but since the petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., learned Sub divisional Judicial Magistrate, Rosera, Samastipur in Bithan P.S. case No. 143 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused persons have been granted either anticipatory bail or regular bail and dispose of the bail, preferably, on the same day.

(Prabhat Kumar Jha, J)

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