

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50441 of 2016

Arising Out of PS.Case No. -415 Year- 2015 Thana -SAHEBPUR KAMAL District- BEGUSARAI
=====

Rajendra Yadav @ Ram Tahal Yadav Son of Nitya Nand Yadav Resident
of Village- Aahok Ghat, P.S.- Sahebpur Kamal, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-02-2017 Heard both sides.

The petitioner apprehends his arrest in Sahebpur Kamal P.S. Case No.415 of 2015, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Chando Yadav, the informant, alleged that on 5.12.2015 at about 11.00 in the night Vijay Yadav, Sachidanand Yadav, Rajendra Yadav, Abhimanyu Yadav, Bambam Yadav, Suresh Yadav and Bablu Yadav came to his Dera where his father was sleeping and shot his father. His father raised alarm. The petitioner went to the place of occurrence and, on enquiry, his father disclosed that all the 7 accused persons assaulted him with fists and slaps and on the order of Suresh Yadav, Vijay Yadav



fired at his abdomen. The informant saw the accused persons fleeing away from the place of occurrence.

Mr. Ram Sumiran Rai, the learned for the petitioner, submits that the petitioner is not named in the FIR. Name of this petitioner is Rajendra Yadav @ Ram Tahal Yadav, son of Nityanand Yadav. Rajendra Yadav, son of late Pyari Yadav is named in the FIR. The informant filed protest petition and he named only 7 persons in the protest-cum-complaint petition whose names also appeared in the FIR. But during the course of investigation in paragraph 17 of the case diary one of the villagers disclosed that Pinkesh Yadav and the petitioner Rajendra Yadav @ Ram Tahal Yadav killed the father of the informant. The witness is not an eye witness of the occurrence. He heard rumour in the village. Thereafter, Pinkesh Yadav was arrested and he is said to have confessed his guilt and disclosed the name of this petitioner. In paragraph 129 and onwards 4-5 witnesses, who happen to be the relatives of the informant, stated that they also heard rumour in the village that the petitioner and one Pinkesh Yadav killed the father of informant, but there is absolutely no material against the petitioner. The petitioner happens to be the cousin of the informant. The informant claimed to saw the accused persons fleeing away from the place of occurrence, but he did not



disclose the name of the petitioner either in the FIR or in the protest petition.

The learned Addl. P.P., however, vehemently opposes the prayer for anticipatory bail, but save and except this fact that some of the witnesses in later part of the investigation disclosed that they heard about the occurrence and that the petitioner and Pinkesh Yadav killed the father of the informant there is no material in the entire case diary.

Having considered the facts stated above, the prayer of petitioner for grant of anticipatory bail is allowed. The petitioner is directed, in the event of his arrest or surrender in the court below within four weeks from today in connection with Sahebpur Kamal P.S. Case No.415 of 2015, to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai, subject to the conditions as laid down under Section 438(2) Cr.P.C

(Prabhat Kumar Jha, J)

Arvind/-

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