

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53886 of 2016

Arising Out of PS.Case No. -102 Year- 2015 Thana -RAJAULI District- NAWADA

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Santosh Yadav @ Rajesh Kumar, son of Dilip Prasad, Resident of Village -
Dhab, Police Station - Sirdala, District - Nawada.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party : Mr. Rajendra Prasad Nat(APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Rajauli P.S.

Case No. 102 of 2015 instituted for the offence under Sections
452, 326, 307, 398 of Indian Penal Code and under Section 27 of
Arms Act.

It is alleged that on the date of occurrence while
informant was sleeping in his house, at 11.00 P.M. he heard sound
on the roof of the house and felt that some dacoits has entered into
the house for committing dacoity. In the meantime, Santosh
Yadav, petitioner put pistol in the chest of the informant's son and
made demand of the key of box. The petitioner assaulted the son
of the informant and demanded key of the box from the informant.



The informant went to save his son then accused Pintu Yadav fired from pistol and assaulted on the head of the informant with pistol causing head injury and also fired on his chest which caused injury. After hearing the noise of bullet, the neighbours arrived and thereafter 7-8 dacoits who had entered into the house, fled away. In this manner, there is specific allegation of overt act against this petitioner of putting pistol on the chest of one of the sons of the informant with intention to commit dacoity along with other accused persons. From para-3 of the bail petition, it appears that one case of similar allegation is also pending against this petitioner for the offence under Sections 364(A), 302 and 201/34 of I.P.C. Therefore, I do not find any merit in this bail petition. Accordingly, this anticipatory bail petition is hereby rejected in Rajauli P.S. Case No. 102 of 2015.

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail which shall be considered and disposed of on merit without being prejudiced by this order.

(Sanjay Priya, J.)

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