

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19977 of 2018

Arising Out of PS. Case No.-537 Year-2015 Thana- KHAGARIA District- Khagaria

Nabo Yadav @ Navin Yadav, S/o- Jay Ram Yadav, R/o- Village- Nanhaku Tol,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148, 149, 448 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Kari Devi dated 13.08.2018 submitted to the Station House Officer, Khagaria Muffasil Police Station is to the effect that on 13.08.2015 at 1 A.M., the informant was sleeping with her husband, in the meantime, all of a sudden, the petitioner, Nabo Yadav along with co-accused, Raja Ram Yadav, Jai Jai Ram Yadav, Rajendra Yadav, Lado Yadav, Fanindra Yadav, Dhuthary Yadav and 8 to 10 unknown persons entered into her house and surrounded her bed when co-accused Gulab Yadav ordered to shoot whereupon, co-accused Rajaram Yadav and Rajendra Yadav caught hold of the husband of the informant and



Fanindra Yadav dragged the informant, in the meantime, the petitioner Nabo Yadav and co-accused Dhutharu Yadav fired which hit the lower and upper part of the chest of the husband of the informant, as a result of which, he died on the spot.

It is submitted by learned counsel for the petitioner that due to previous enmity, the petitioner has been roped in the present case. Though, a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, but a supplementary affidavit has been filed to the effect that the petitioner is accused in one other case being Khagaria Muffasil P.S. Case No. 43 of 2015, registered under Sections 147, 148, 341, 323, 504, 447 and 307 of the IPC and Section 27 of the Arms Act.

Learned APP submits that the petitioner is the main assailant.

Considering the fact that the petitioner is one of the assailants, causing gunshot injury resulting into death to the husband of the informant, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Khagaria Muffasil P.S. Case No. 537 of 2015, pending in the court of learned 1st



Additional Sessions Judge, Khagaria.

(Dinesh Kumar Singh, J)

Amrendra/-

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