

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53831 of 2018

Arising Out of PS.Case No. -88 Year- 2018 Thana -ISHAKCHAK District- BHAGALPUR

1. Anand Yadav son of Subhash Yadav Resident of Gonar Lal Lane Jogsar
 (Budhanath), Police Station - Adampur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda-Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey-A.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 12-09-2018

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

It has been submitted at the end of the petitioner that main assailant Raja Choudhary has been granted anticipatory bail vide order dated 02.08.2018 passed in Cr. Misc. No.45450 of 2018. That being so, petitioner be allowed to avail the liberty so prescribed under Section 438 Cr.P.C.

On the other hand, Learned Additional Public Prosecutor opposed the prayer.

Two kinds of disclosure have been made by the informant, the first one that Gulam Sarwar was carrying some sort of grudge against him on account of business rivalry and for that, Gulam Serwar had taken help of anti-social elements to terrorize. Then, it has been stated that on 02.05.2018 at about 5.00 p.m. while he was passing through Gorhatta Chowk, Raja Choudhary



and Anand Yadav, who were present since before, forcibly took away one carton as well as cash appertaining to Rs.8500/-. Then, he gone to his friend, Ravi Sharma, who talked with Anand Yadav over mobile and as per his instruction, he gone to meet Anand Yadav at Koyala Depot Bus Stand where Anand Yadav and Raja Choudhary were present, who lifted him on motorcycle and as per instruction, which Raja Choudhary received on conversation with somebody else, both of them took him towards Bhikhanpur, whereupon he jumped. After parking the motorcycle, Raja Choudhary took out pistol and directed him to sit over the motorcycle, whereupon he caught hold Katta and during midst thereof, Anand Yadav fired. Then, Raja Choudhary fired causing injury over his person. He ran towards a Saloon in order to save his life. One police constable was present there, who chased the miscreants, but they managed to escape over motorcycle. Furthermore, from Para-3 of the petition, it is evident that petitioner happens to be an accused in two more cases while co-accused Raja Choudhary has no criminal antecedent. That being so, it is not a case of similarity.

Considering the nature of allegation, prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J)

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