

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41759 of 2018

Arising Out of PS.Case No. -112 Year- 2018 Thana -GOGRI District- KHAGARIA

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Sunil Yadav @ Sulen Yadav, S/o Late Hakmi Yadav, R/o Vill.- Barhara,
P.S.- Gogari, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Smt. Anita Kumari, APP

For the Informant : Mr. Anil Kumar Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 01-08-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Gogari P.S. Case No.112 of 2018** instituted for the offence under Section(s) 302/34 Indian Penal Code pending in the Court of the **Chief Judicial Magistrate, Khagaria.**

It is alleged in the written report that on 29.03.2018 at about 2:00 A.M. in the morning, the informant got awake and saw this petitioner along with other accused persons, as mentioned in the written report, were fleeing away from the house of her brother-in-law (Dewar). She went to the house of her brother-in-law and found him dead. She has further alleged that wife of her brother-in-law, Gulo Yadav, had illicit relationship with this petitioner and other accused persons, as



named in the written report. Therefore, they have killed her brother-in-law by pressing his neck.

Counsel for the petitioner submits that petitioner was in Rajasthan on the date of occurrence. He has enclosed Railway ticket.

This Court is of the view that plea of alibi is weak evidence for the purpose of anticipatory bail and much reliance cannot be placed on that.

It has been submitted by the counsel for the Informant that in the Postmortem report cause of death has been stated to be strangulation, which also finds mention in the impugned order.

Counsel for the informant further submits that anticipatory bail of one of the co-accused with similar allegation has already been rejected by coordinate Bench of this Court in Cr. Misc. No.42570 of 2018 by order dated 20.07.2018.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in



accordance with without being prejudiced by this order.

JA/-
Rohit Kr.

(Sanjay Priya, J)

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