

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59375 of 2018

Arising Out of PS. Case No.-231 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

RATAN YADAV @ RATAN LAL YADAV S/o Chakku Yadav, R/o Vill.-
Choudhridih, P.S.- Lodipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 302, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that while the informant along with his brother were coming from a *barati*, the accused persons, variously armed, came and fired due to which his brother sustained injuries and later on succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the allegation, the petitioner along with other accused persons (ten in number) is



said to have fired upon the deceased. From perusal of the post-mortem report, it appears that there are only two wound of entry. Hence, the allegation of firing made by the 10 accused persons is falsified. In course of investigation, in paragraph 53 of the case diary, it has come that two shooters were hired for committing the crime. The said paragraph does not indicate the name of this petitioner or other co-accuseds. Other co-accuseds have been granted regular bail by a Coordinate Bench of this Court.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. Other co-accused persons have been granted regular bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected.

However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by the present order taking into account that other co-accuseds have already been granted regular bail by a Bench of this Court.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

