

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35837 of 2019

Arising Out of PS. Case No.-163 Year-2017 Thana- SAHEBPUR KAMAL District-
Begusarai

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Ajay Yadav @ Ajay Kumar Yadav, S/o Mahendra Yadav Resident of Village-
Akidattpur, Khairpur Sobganj, P.S.- Karik Bazar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prem Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Shahebpur Kamal P.S. Case No.163 of 2017 for the offence
punishable under Sections 302/34/120B of the Indian Penal
Code and Section 27 of Arms Act.

The allegation against the petitioner as per the First
Information Report is that the petitioner along with others
surrounded the husband of the informant with an intention to
kill him. It has further been alleged that petitioner was holding
gun in his hand which was taken from him by main assailant,
Ajay Yadav, who fired upon husband of the informant and in
consequence thereof, he died.



Mr. Uma Shanker, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case due to election dispute between the parties. Learned counsel further submits that there is specific allegation against one Sanjay Yadav who called the deceased from his house, has been granted bail by this Court in Cr. Misc. No.20275 of 2019. Learned counsel submits that the petitioner is not main assailant, as such he may be enlarged on anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner was present at the place of occurrence with arms which was used by the main assailant, Ajay Yadav, who killed the husband of the informant, accordingly, I am not inclined to grant anticipatory bail to the petitioner and the same is hereby rejected.

(Anil Kumar Sinha, J)

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