

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35621 of 2019

Arising Out of PS. Case No.-562 Year-2018 Thana- SUPAUL District- Supaul

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Santosh Yadav, (Male), aged about 32 years, son of Late Chandeshwari Yadav. Resident of village- Balwa Punarwas, Ward No.-1, P.S.- Supaul, District- Supaul (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Upendra Prasad, Adv.
Mrs. Veena Kumari Jaiswal, Adv.
For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-06-2019 Heard Sri Upendra Prasad, learned counsel, assisted by Smt. Veena Kumari Jaiswal, learned counsel for the petitioner and Sri Nagendra Prasad, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since 22.02.2019 in Supaul P.S. Case No.562 of 2018 registered for the offence under Sections 341, 307, 379, 504/34 of the Indian Penal Code as well as Sections 25(1-B)a/26/27/35 of the Arms Act, has prayed for grant of bail on the strength that one of the co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.05.2019 passed in Cr.Misc.No.29725 of 2019.

It has been argued by learned counsel for the



petitioner that the main allegation against the petitioner was that he gave shot of firing on the informant, but the same did not hit him and, thereafter, the petitioner along with co-accused Sanjay Yadav started assaulting the informant and in that context, co-accused Sanjay Yadav snatched Rs.3000/- from the informant. It has been emphatically argued that since co-accused has been granted anticipatory bail, the petitioner, who is in custody since February,2019, may be extended the privilege of bail.

Sri Nagendra Prasad, learned Addl. Public Prosecutor, opposing the prayer for bail, has argued that there is specific accusation against the petitioner that he had fired on the informant, of course, same did not hit the informant, but thereafter the informant was assaulted by the petitioner. Besides this, it has been argued that the petitioner is also accused in other five cases relating to serious offence, which fact is evident from paragraph-3 of the petition.

Besides hearing learned counsel for the parties, I have perused the material on record including the fact disclosed in paragraph-3 of the petition. It's hardly matter that co-accused has been extended the privilege of anticipatory bail. Once in the F.I.R. there is specific accusation of firing, which allegation was not against the co-accused and the petitioner is accused in



number of cases relating to serious offence, which fact is evident from paragraph-3 of the petition, there is no reason to entertain the prayer for bail.

Accordingly, the prayer for bail stands rejected.

(Rakesh Kumar, J.)

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