

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39578 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- ALOULI District- Khagaria

Sintu Yadav (Male) aged about 22 years son of Janardhan Yadav, Resident of village Alauli Police Station Alauli, District Khagaria

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 41772 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- ALOULI District- Khagaria

Janardhan Yadav @ Janardan Yadav (Male) aged about 48 years son of Late Sukhdeo Yadav, Resident of village Alauli Police Station Alauli, District Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39578 of 2019)

For the Petitioner : Mr. Praveen Kumar, Advocate

For the State : Mr. Ram Sumiran Rai, APP

For the Informant : Mr. Shekhar Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 41772 of 2019)

For the Petitioner : Mr. Praveen Kumar, Advocate

For the State : Mr. Rajendra Pd. Nat, APP

For the Informant : Mr. Shekhar Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-08-2019 As both these anticipatory bail petitions arise out of Alauli P.S. Case No. 385 of 2018, they have been heard together and are being disposed of by this common order.

2. Both the petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 447, 302 and 120(B)



of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Alauli P.S. Case No. 385 of 2018. The petitioner of Cr. Misc. No. 39578 of 2019, Sintu Yadav, is the son of petitioner of Cr. Misc. No. 41772 of 2019, Janardhan Yadav @ Janardan Yadav.

3. It is submitted that the first information report has been instituted against as many as 15 named and 4-5 unknown persons, all of whom are said to have surrounded the informant, her husband Rajendra Yadav and her relative Ravindra Rai, and made indiscriminate firing in which the informant's husband died and Ravindra Rai sustained fire-arm injuries. It is submitted that the said injured Ravindra Rai has not been examined by the police. The FIR appears to be antedated inasmuch as there is an ostensible delay of two days in sending the FIR to the Court on 28.10.2018 after its institution on 26.10.2018. The petitioners have been implicated in retaliation to the earlier FIR in Alauli P.S. Case No. 165 of 2016 lodged by niece-in-law of petitioner-Janardhan Yadav @ Janardan Yadav against the informant's side for the murder of her husband Rajesh Yadav in which the petitioners were charge sheet witnesses and were about to record their depositions. Petitioner-Sintu Yadav is accused in one prior case in Alauli P.S. Case No. 313 of 2017 lodged by the son-in-law of the informant and is on bail, while petitioner-Janardhan Yadav @ Janardan Yadav is also an accused in Alauli P.S. Case No. 45 of 2000 in which he has been acquitted.



4. Learned APP assisted by learned counsel for the informant opposes the petitions. It is submitted that contrary to the submissions of the petitioners, the injured Ravindra Rai was admitted in hospital and his statement has been recorded in paragraph 107 of the case diary. He has specifically named the petitioners as having participated in the commission of the offence. It is further pointed out from the post mortem report that there are as many as eight fire-arm injuries on the body of the deceased. Empty cartridges have been recovered from the place of occurrence and marks of bullets have been found on the wall. The petitioners have not brought any material on record to show that the petitioners were charge sheet witnesses in Alauli P.S. Case No. 165 of 2016 (Annexure-2). It is further submitted that Sarbind Yadav who is one of the accused persons in the present case is the brother of the aforesaid deceased Rajesh Yadav and as such there was enmity both ways.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioners. The anticipatory bail petitions stand dismissed.

(Vikash Jain, J)

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