

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42846 of 2019

Arising Out of PS. Case No.-606 Year-2018 Thana- AMARPUR District- Banka

1. Ravindra Yadav, Aged about 38 years, Male, S/o Chhattu Yadav, R/o village- Bhaluwa, P.S.- Amarpur, District- Banka
2. Deepak Kumar, Aged about 19 years, Male, S/o Ravindra Yadav, R/o village- Bhaluwa, P.S.- Amarpur, District- Banka
3. Bittu Kumar, Aged about 18 years, Male, S/o Shalindra Yadav, R/o village- Bhaluwa, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-07-2019 Heard both sides.

Petitioners apprehend their arrest in Amarpur P.S. Case No.606 of 2018, registered under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The son of the deceased, Kamleshwari Yadav disclosed in his written application that while he and his father were giving medicine to his grandfather, Ravindra Yadav, Shalindra Yadav @ Sallo Yadav, Indu Devi, wife of Ravindra Yadav and Juli Devi, wife of Shalindra Yadav came and started abusing them. They came out from the house with arms in their hands. The informant disclosed that Ravindra Yadav and Shalindra Yadav shot his father in the chest and his father died.



Learned counsel for the petitioners submits that there is specific allegation against petitioner no.1, Ravindra Yadav that he and Shalindra Yadav fired which hit on the chest of the father of the informant but in the later part of the FIR, the informant also disclosed the name of the petitioners, Deepak Kumar and Bittu Kumar only because they happen to be sons of Ravindra Yadav and Shalindra Yadav respectively but no allegation is made against them. It is further submitted that similarly situated co-accused, namely, Indu Devi and Juli Devi have been granted anticipatory bail by order dated 01.05.2019, passed in Cr. Misc. No.14632 of 2019 by a coordinate Bench of this Court.

Learned Additional Public Prosecutor did not dispute the facts.

It appears that the informant made specific allegation that Ravindra Yadav, petitioner no.1 and Shalindra Yadav fired at the chest of his father. Although the informant also alleged that wives of Ravindra Yadav and Shalindra Yadav were accompanying the accused but in the later part of the FIR, the informant named other petitioners and alleged that the petitioners were also involved in the murder of his father but it appears that no allegation is made against petitioners no.2 and 3, sons of Ravindra Yadav and Shalindra Yadav. Ravindra Yadav, petitioner no.1 and Shalindra Yadav are alleged to have shot the father of the informant dead.



Taking into consideration the facts aforesaid, let petitioners no.2 and 3, namely, Deepak Kumar and Bittu Kumar in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Amarpur P.S. Case No.606 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the case of petitioner no.1, Ravindra Yadav is concerned, there is specific allegation against Ravindra Yadav and Shalindra Yadav that they both fired at the chest of Kamleshwari Yadav and Kamleshwari Yadav died on the spot, therefore, I am not inclined to enlarge the petitioner no.1, Ravindra Yadav on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1, Ravindra Yadav is rejected.

(Prabhat Kumar Jha, J)

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