

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53166 of 2019

Arising Out of PS. Case No.-132 Year-2008 Thana- SONO District- Jamui

Upendra Yadav, Aged about 66 years, Male, Son of Alam Yadav @ Anandi Yadav, Resident of Village Bishanpur, P.S.- Sono (Charna Pathar), District Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-08-2019 Learned counsel for the petitioner is permitted to make correction in paragraph 3 of the bail petition.

Heard Mr. Ram Sumiran Rai, the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in Sono (Charka Pathar) P.S. Case No.132 of 2008, registered under Sections 147, 148, 149, 364, 379, 302 and 324 of the Indian Penal Code and 17 of the C.L.A. Act.

The informant named the petitioner along with other accused persons and alleged that the named accused persons and other 20-25 *Maobadi* kidnapped Mahesh Singh and Madan Singh with their motorcycle and killed them by cutting their neck with sharp edged weapon.



Learned counsel for the petitioner submits that the police after investigation submitted final form finding the accusation false against the petitioner in the year 2012. The petitioner had no knowledge that the Judicial Magistrate also took cognizance against the petitioner differing with the findings of the Investigating Officer. It is further submitted that no notice was ever served on the petitioner for his appearance but it appears that it is a case under Sections 364, 302 and other sections of the Indian Penal Code along with Section 17 of the C.L.A. Act. The petitioner and other members of the MCC are alleged to have kidnapped and killed three persons by cutting their neck. During the course of investigation, the police of course submitted final form in the year 2012 itself but the petitioner was evading his appearance for the last seven years.

Taking into consideration the facts and nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the regular bail of the petitioner on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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