

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75652 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- SALIMPUR District- Patna

Lalit Vijay Yadav @ Lalit Viay Singh, Son of Late Kailash Yadav @ Kailu Yadav, R/o Vill.- Alipur, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Sri Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-01-2019 Heard both sides.

Petitioner apprehends his arrest in Salimpur P.S. Case No.138 of 2018 registered under Sections 302 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act.

The informant alleged that while he was standing on his *darwaza*, his nephew Nandesh Kumar @ Bajrangi was returning from dairy and Lalit Vijay Yadav, the petitioner, Vijay Shankar Yadav, Sidhnath Yadav and Mantu Singh were waiting for his nephew. They were armed with different weapons including rifle. The moment Nandesh Kumar reached in the street, Sidhnath Yadav and Lalit Vijay Yadav caught Nandesh Kumar and assaulted him with fists and slaps. On the order of Mantu Singh and Sidhnath Yadav, Vijay Shankar Yadav fired from back side on Nandesh Kumar and Nandesh Kumar died on the spot.

Learned counsel for the petitioner submits that inquest



report was prepared before institution of the FIR. There is no independent witness of the occurrence. All the allegations are false and concocted and on account of enmity, the petitioner has falsely been implicated in the case.

On the other hand, the learned counsel for the informant and the learned Additional Public Prosecutor vehemently opposed the prayer of anticipatory bail of the petitioner and submitted that the petitioner Lalit Vijay Yadav and Sidhnath Yadav caught the deceased and thereafter Vijay Shankar Yadav fired causing the death of Nandesh Kumar @ Bajrangi on the spot.

Having considered the facts that there is specific allegation that the petitioner and Sidhnath Yadav caught the deceased Nandesh Kumar and assaulted him with fists and slaps and thereafter Vijay Shankar Yadav fired causing his death on the spot and the informant is an eye witness of the occurrence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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