

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62383 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- MAHISHI District- Saharsa

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AJAY YADAV, aged about 33 years, Male, Son of Sukhnandan Yadav,
Resident of Village - Sukhasan, P.S.- Bakhtiyarpur, Distt – Saharsa
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Adv.
For the Opposite Party : Mr. Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Mahishi (Maheshi) P.S. Case No. 112 of 2018, pending in the
Court of the Subdivisional Judicial Magistrate, Saharsa,
registered under Sections 147, 148, 149, 341, 342, 307, 324, 302
and 120B of the Indian Penal Code and 27 of the Arms Act.

The accusation is that in the evening of 04.05.2018
Rajiv Kumar Yadav, nephew of the informant, Pradeep Yadav,
was accompanied by the villagers Ajit Yadav, Sukhnandan
Yadav, Subhash Yadav and Sunil Yadav for going to barat at
Kusheshwar Asthan. In the evening Sanjay Yadav, a villager of
the informant, who was returning from river saw that ten
persons, named in the first information report, including the
petitioner, and 5-6 others caught hold Rajiv Kumar Yadav and



Vikas causing assault through the butt of the rifle. Vikas was trying to flee away, then, Sadhu Yadav fired through his rifle on Vikas, but, any how he succeeded to flee away whereas Rajiv Kumar Yadav was being assaulted. At that time, Prabhakar Yadav shot fire at Rajiv Kumar Yadav, who died on spot.

Learned counsel appearing on behalf of the petitioner submits that while the petitioner is named in the first information report, but, no overt act has been attributed against the petitioner and the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case and the nature of offence, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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