

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73210 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- PARBATTa District- Khagaria

RAJESH YADAV S/o Chhotelal Yadav Resident of Village- Bari Lagar, P.S.-
Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
S.T. No. 235 of 2019 arising out of Parbatta P.S. Case No. 128
of 2019 registered for the offence punishable under sections
147, 148, 149, 323, 386, 387, 302 and 120(B) of the Indian
Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the accused persons
caught hold of the husband of the informant and brought him to
the ground, the petitioner and others caught hold of his leg while
Mantu Yadav is said to have shot him in the head as a result of
which he died.

It is submitted by learned counsel for the petitioner
that similarly situated co-accused Karelal Yadav has been



enlarged on bail vide order dated 25.09.2019 passed in Cr. Misc. No. 45908 of 2019. It is further submitted that so far as the allegation of direct overt act is concerned, the same is against Mantu Yadav and not against this petitioner who is in custody since 13.05.2019.

It is submitted by the learned counsel for the informant that not only the petitioner is named in the FIR but specific overt act has been alleged against him, in so far as he is said to be one of the accused, who caught hold of the leg of the husband of the informant when he was shot dead by Mantu Yadav.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in so far as he was one of the active participants in the murder of the husband of the informant, this Court is not inclined to grant bail to the petitioner and, as such, the application of bail is rejected.

(Partha Sarthy, J)

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