

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71338 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- MALAYPUR District- Jamui

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1. RAJENDRA YADAV Son of Mishri Yadav Resident of Village-Dewachak, P.S.-Malepur, District-Jamui.
 2. Siyaram Yadav Son of Matal Yadav Resident of Village-Dewachak, P.S.-Malepur, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Malepur PS case no. 53 of 2019 registered for the offences punishable under Sections 302/34 Indian Penal Code and 27 of Arms Act.

The allegation of the prosecution is that in the morning at about 7.15 am on 20.06.2019, the informant along with his brother Makeswar Yadav was going on a bullet motorcycle, whereafter they were intercepted by co-accused namely Arvind Yadav and he had then called the other co-accused persons including the petitioners herein and then the



said co-accused persons including the petitioners herein, had caught hold of the brother of the informant, whereupon the petitioner no. 1 had fired from the pistol upon the brother of the informant. Subsequently, the said brother of the informant is said to have died during the course of treatment. It has been further alleged that the accused persons including the petitioners herein, had also fired gun shots on the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case. It is further submitted that the petitioners are having a clean antecedent.

I have heard the learned counsel for the parties and perused the materials on record and I find from a bare perusal of the FIR that the complicity of the petitioners is writ large and it cannot be said that no allegation has been levelled against them, inasmuch as the petitioner no. 1 has been alleged to have fired on the brother of the informant resulting in his death and the petitioner no. 2 is alleged to have not only held the brother of the informant, so that he could be killed but had also fired on the informant.

Having regard to the facts and circumstances of the case and considering the materials on record, I do not find any



reason to grant anticipatory bail to the petitioners herein, hence
the present petition for bail stands dismissed.

(Mohit Kumar Shah, J)

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