

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10644 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- LODIPUR District- Bhagalpur

SHIVAM YADAV @ SHIVAM KUMAR Son of Murari Yadav Resident of
Village - Kodha (Korha), P.S.- Lodipur, District – Bhagalpur. ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 28-09-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video
conferencing.

The petitioner apprehends his arrest in connection
with Lodipur Police Station Case No. 102 of 2019, registered
for the offences punishable under Sections 302/201/120-B of the
Indian Penal Code.

The allegation against the petitioner is that the
petitioner, along with other co-accused persons, killed the
brother of the informant by pressing his neck.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case merely on the
basis of suspicion. He further submits that in fact all other co-
accused persons have been granted anticipatory bail except two
persons, who were granted regular bail.



On the other hand, learned Additional Public Prosecutor submits that some of the accused persons have been granted bail and some of them are absconding. He, referring to paragraphs 19 and 24 of the case diary, submits that the petitioner, along with his brothers, Jaky Yadav, Binod Yadav and Subodh Yadav, have killed the brother of the informant by strangulating him. He further submits that there was dispute between brother of the informant and the accused persons inasmuch as a piece of land was purchased by the deceased from the mother of co-accused Gaurav and the mother of co-accused Gaurav, this petitioner along with other co-accused persons are related. He further submits that the brother of the petitioner, Jaky Yadav, who is similarly situated, has been granted regular bail by this Court, as such, the petitioner does not deserve privilege of anticipatory bail.

Having heard learned Counsel for the parties and taking into consideration the materials on record, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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