

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13327 of 2020

Arising Out of PS. Case No.-93 Year-2011 Thana- WAJIRGANJ District- Gaya

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SHAMBHU YADAV @ SHIV SHAMBHU KUMAR Son of Bhojal Yadav
@ Bhojal Prasad Resident of Village - Naudiha, P.S.- Wazirganj (Tankuppa),
District - Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Wazirganj (Tankuppa) P.S. Case no. 93 of 2011 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the 14 named accused persons including the petitioner herein came down from a jeep and is stated that Pintu Yadav fired indiscriminately from his rifle as a result of which ‘chachi’ (aunt) of the informant sustained gunshot injury and died soon thereafter.

It is submitted by learned counsel for the petitioner that from the FIR itself the sole assailant is Pintu Yadav and no overt act is alleged against other accused persons including the

petitioner herein. The allegation is only of being a member of the unlawful assembly. It is submitted that as the petitioner was out of station, he did not have information about pendency of the case and as such the delay in filing of the instant application.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the fact that FIR is of the year 2011 and the application for bail by the petitioner has been filed in the Court below in the year 2019, the Court is not inclined to enlarge the petitioner on bail and as such his application for anticipatory bail is rejected.

However, taking into consideration the fact that the petitioner is not an assailant of the deceased, in case the petitioner surrenders within a period of four weeks, the Court below shall consider his application for bail on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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