

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS NO. 18795 OF 2020

Arising out of Punpun P.S. Case No. 262 Year 2019 District- Patna

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1. Sanjay Kumar @ Sanju Prasad, son of Kadh Yadav @ Anup Yadav @ Anup Lal Yadav, resident of village –Sabalpur, Police Station –Punpun, District –Patna.
 2. Uday Rai @ Rudal Yadav, son of Kameshwar Rai @ Kameshwar Yadav, resident of village – Sabalpur, Police Station- Punpun, District – Patna.

.....Petitioners

Versus

The State of Bihar

.....Opposite Party

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Appearance:

For the Petitioner/s : Mr. Sanjiv Sharan

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02. 16.07.2020

Heard Mr. Sanjiv Sharan, learned counsel for the petitioner and Mr. Amitesh Kumar, learned counsel for the State.

The petitioners seek bail in anticipation of their arrest in connection with Punpun P.S. Case No. 262 of 2019 dated 02.10.2019



instituted for the offences under Sections 302, 120B and 34 of the Indian Penal Code.

The petitioners are not named in the First Information Report. The allegation in the First Information Report is that the deceased had gone to village of Anshu Kumari, where he was killed. Later, said Anshu Kumari made her statement before the police under Section 161 of Code of Criminal Procedure to the effect that the petitioners and others had their hands in killing of the deceased.

Learned counsel for the petitioners has submitted that because of the petitioners are at inimical terms with the father of the aforesaid Anshu Kumari, they have been named in her statement recorded under Section 161 of the Code of Criminal Procedure. It has further been submitted that on similar accusation one Pappu Kumar @ Pappu Yadav has been granted bail by a Bench of this Court. Aforesaid Anshu Kumari is also stated to have been granted bail.

However, looking to the nature of accusations, which have been gathered during course of the investigation, I am not inclined to grant anticipatory bail to the petitioners.

The prayer for grant of anticipatory bail is rejected.



However, if the petitioners surrender before the court below and seek bail, the court below shall take into account the fact that similarly situated persons have been granted bail by a Bench of this Court and that their names have transpired only in the statement of Anshu Kumari recorded under Section 161 Cr.P.C., who has definite axe to grind against the petitioners and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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