

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64861 of 2019**

Arising Out of PS. Case No.-344 Year-2015 Thana- TEKARI District- Gaya

BABLOO YADAV Son of Ramanand Yadav Resident of Village - Bali, P.S.-
Tekari (Panchanpur), District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manish Kumar No2
For the Opposite Party/s :	Mr.Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 17-06-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner apprehends his arrest in connection with Tekari P.S. Case No. 344/2015 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act .

Taking note of this fact that petitioner is named in the first information report with specific allegation that he participated in committing the murder of two persons, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, his prayer for anticipatory bail stands rejected.

However, in course of hearing, the learned counsel of the petitioner points out that having more or less similar allegation,



one co-accused, namely, Lallu Yadav @ Lally Kumar @ Lalu Kumar has already been granted privilege of anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 18.7.2017 passed in Cr. Misc. No. 36232/2017 and the case of this petitioner stands on the similar footing. No doubt, co-accused has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court but I am not in an agreement with the findings given by a co-ordinate Bench of this Court *vide* order dated 18.9.2017 passed in Cr. Misc. No. 36232/2017 and, moreover, the above stated order is not binding upon the Court.

However, if petitioner surrenders and seeks regular bail within six weeks from today, the concerned lower court shall pass appropriate order on the bail petition of the petitioner on the day of surrender and, furthermore, if any prayer for regular bail is moved before the Sessions Court, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

In the aforesaid manner, this anticipatory bail application stands disposed of.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

