

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84250 of 2019

Arising Out of PS. Case No.-602 Year-2019 Thana- BUXAR District- Buxar

Uma Shankar Yadav, Aged about 40 years, Male, Son of Late Ras Bihari Yadav, Resident of Village - Hatha, P.S.- Dumraon, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Santosh Kumar, Advocate
For the State	:	Smt. Indu Kumari Srivastava, APP
For the Informant	:	Mr. Digvijay Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-06-2020 Heard Mr. Santosh Kumar, the learned counsel appearing on behalf of the petitioner, Smt. Indu Kumari Srivastava, the learned Additional P.P. and Mr. Digvijay Ojha, the learned counsel appearing on behalf of the informant through video conferencing.

The petitioner apprehends his arrest in Buxar (Town) P.S. Case No.602 of 2019, registered under Sections 147, 148, 149, 302 of the Indian Penal Code and 27 of the Arms Act.

The informant alleged that his elder brother, Chitranjan Singh, who was a practicing advocate of Civil Court, Buxar, was returning to his house along with the informant and his another brother and when they came out from the civil court premises, seven persons including the petitioner surrounded



Chitranjan Singh, the elder brother of the informant, and on the order of Uma Shankar Yadav, the petitioner, who happens to be maternal uncle of Yashwant Yadav and Yashdeo Yadav, the accused persons, namely, Yashwant Yadav, Yashdeo Yadav, Uma Shankar Yadav, Bashishtha Yadav and Ranjit fired causing firearm injury to Chitranjan Singh who fell down on the ground and died.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on account of previous enmity. No allegation of firing is made against the petitioner. The informant has made specific allegation of firing against four persons and, therefore, the petitioner deserves anticipatory bail.

Smt. Indu Kumari Srivastava, the learned Additional P.P. as well as Mr. Digvijay Ojha, the learned counsel for the informant vehemently opposed the prayer for bail.

The informant who claims himself to be eye witness of the occurrence alleged that he along with his two brothers was returning to their house. When they came out from the civil court premises, the accused persons surrounded his brother, Chitranjan Singh, who was a practicing advocate of Civil Court, Buxar and made indiscriminate firing on the order of the



petitioner.

Taking into consideration the facts that the petitioner is the order giver and on his order, five accused persons opened fire causing the death of Chitranjan Singh, a practicing advocate of Civil Court, Buxar, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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