

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30135 of 2020

Arising Out of PS. Case No.-660 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Munna Yadav, S/o Aatma Yadav, Resident of Village-Laxmipur Gadariya,
P.S.-Turkauliya (Raghunathpur O.P.), District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No.660 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, which is pending in the court of the learned Chief Judicial Magistrate, Motihari, East Champaran.

While the informant's husband was returning on his motorcycle, it is alleged that three miscreants have indiscriminately fired upon him, leading to his death.

Petitioner's counsel submits that the petitioner is not named in the F.I.R. and that merely on the basis of the



confessional statement of co-accused, he has been implicated in this case. Such statement has no evidentiary value and is unreliable.

Case diary had earlier been called for.

Learned APP for the State while opposing the prayer for pre-arrest bail submits that the petitioner is alleged to have fired upon the victim. He further submits that from a bare perusal of the case diary, it is apparent that the victim has sustained two gun-shot injuries and pistol has been recovered from the petitioner as well as co-accused Sandeep.

Considering the rival submissions, this Court is not inclined to allow the prayer for anticipatory bail. The same is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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