

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30985 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- NATHNAGAR District- Bhagalpur

BIKRAM YADAV Son of Musharu Yadav Resident of Mohalla Babu Tola,
P.S. Nathnagar, District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

8 27-09-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been pending since 13.11.2020.
Hence, the learned counsel for the petitioner presses that let the
order be passed on merit.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

The petitioner is apprehending his arrest in connection
with Bhagalpur, Nath Nagar P.S. case No.212/2020 registered
under Sections 147, 148, 149, 302 of the Indian Penal Code and
Section 27 of Arms Act, pending in the court of Chief Judicial
Magistrate, Bhagalpur.

Prosecution case, in short, is that on 03.04.2020, when



the informant and his uncle were coming home, then the accused persons followed them by car and two motorcycles and overtook and surrounded them. Then the petitioner and co-accused Karban Yadav started firing on the informant and uncle. Thereafter the accused persons including the petitioner along with 4-5 unknown, who were armed with rifle, pistol, etc., started firing on them. Somehow, the informant escaped towards the field. After sometime, when the informant came on the spot, then he found that his uncle Jawahar Yadav was lying down and was declared dead in Hospital afterwards.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and has 16 cases pending against him. As per the F.I.R., he is also alleged to have fired along with other accused persons. As per the postmortem report, there are three wounds of entry caused due to fire arm. From the P.O., three empty cartridges were also recovered.

Considering the nature of accusation, I am not



inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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