

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34636 of 2020**

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Ram Baran Yadav, aged about 40 years, male, Son of Late Rajender Yadav
Resident of Village - Murbariya, P.S.- Lakhisarai, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 17-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sabal Kumar Jha, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Lakhisarai PS Case No. 167 of 2020 dated 11.03.2020, instituted under Sections 302/120B/34 of the Indian Penal Code to which later on 25(1-B)(a)/26(1) and 27 of the Arms Act, 1959 were added.

4. The allegation against the petitioner, though not named in the FIR, is that he was one of the persons who had fired on the father of the informant leading to his death.



5. Learned counsel for the petitioner submitted that only on the confessional statement of Rahul Kumar, who was arrested, the petitioner has also been made an accused. It was further submitted that accused Sachida Nand Singh @ Sachida Nand Sharma and Chandan Kumar Singh @ Chandan Singh, who were named accused in the case, have been granted anticipatory bail by a coordinate bench on 22.03.2021 in Cr. Misc. No. 34286 of 2020. Learned counsel submitted that the petitioner has been belatedly made an accused without any legal evidence against him.

6. Learned APP submitted that the specific allegation in the FIR is that Ranjit Kumar and two other persons on motorcycle came and shot the deceased. It was submitted that it is but natural that the investigation would proceed and since during course of investigation when a suspect was caught and he has taken the name of the petitioner, there is no reason to disbelieve the same. It was further submitted that against co-accused Sachida Nand Singh @ Sachida Nand Sharma and Chandan Kumar Singh @ Chandan Singh, the only allegation is that they were sitting in a Sumo vehicle and have got down and showed pistol to the informant side threatening them with dire consequences. Thus, it was submitted that the petitioner is not



similarly situated to them as against the petitioner the allegation is that he was one of the persons who had actually shot at the deceased. It was submitted that the petitioner was accused in another case of the year 2009 under grave sections, including 302 of the Indian Penal Code and 27 of the Arms Act, 1959.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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