

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39741 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- GWALPARA District- Madhepura

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Sonu Kumar @ Bijli Kumar Yadav, male, aged about 22 years, S/o Late Maheshwar Yadav, Resident of Village- Sekhpura Chaman, Gosai Tola, P.S.- Udakishunganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 14-12-2021 Heard Mr. Rajnish Kumar Singh, the learned Advocate for the petitioner and Mr. Khurshid Anwar, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Gwalpara P.S. Case No. 36 of 2020, dated 20.03.2020, instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioner is of firing at the deceased after he was first fired upon by one Dilkhush Yadav.



The learned counsel for the petitioner has submitted that the accusation against him is absolutely false in as much as the informant is not an eye-witness to the occurrence. Though the informant has stated in the F.I.R. that he was coming along with the deceased but from his conduct, it has been argued, it would become apparent that he had not witnessed the occurrence. Most of the witnesses during the course of investigation have stated that the deceased was coming back home alone. The informant claims to have hid himself in the maize field in order to save his life. That he did not raise any hue and cry, is a ground which should, it has been argued, weigh with the Court in discarding the statement of the informant.

It has further been submitted that the accusation against the petitioner is false and motivated because it is at the instance of one Manoj Yadav, who is an ex-Mukhiya of the village. The present Mukhiya is the daughter-in-law of one of the accused persons, namely, Janeshwar Yadav and the petitioner is none else but the nephew of aforesaid Janeshwar Yadav.



Lastly, it has been submitted that the petitioner is a student and his career would be jeopardized if he is made to go to jail.

After having heard the counsel for the petitioner and the State, I do not find it to be a fit case for anticipatory bail as there is specific accusation of the petitioner and others of firing at the deceased leading to his death.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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