

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.357 of 2021**

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHISHI District- Saharsa

AJAY YADAV SON OF LATE MAHENDRA YADAV Resident of Village -
Mangrouni, P.S.- Mahishi, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 14-09-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection with Mahishi P.S. case No.98 of 2019 registered under Sections 341, 342, 302, 120(b) of the Indian Penal Code and 27 of the Arms Act, pending in the court of Sub Divisional Judicial Magistrate at Saharsa.

Allegation against the petitioner is that he fired from his pistol on the chest of the brother of the informant, due to which he sustained grievous injury and died on the spot.



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. It has further been submitted on behalf of the petitioner that on the alleged date of occurrence the petitioner was not there. It is further submitted that the informant is not an eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The informant is the eye witness to the alleged occurrence. There is specific allegation against the petitioner for firing upon the deceased on his chest. The postmortem report also corroborates with the allegations made in the F.I.R. stating that there is wound of entry on the chest. So far other accused persons, who have been granted anticipatory bail, are concerned, there is no specific allegation of assault against them. Hence said accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court.

Considering the aforesaid facts and circumstances that there is specific allegation of firing alleged against the petitioner and the petitioner being the assailant, 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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