

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80778 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- MAIRWAN District- Siwan

Yogendra Yadav @ Yogendra Kumar, S/o- Late Shankar Yadav, Resident of
Village- Srinagar, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Mairw P.S. Case No.79 of 2019, registered for the offences punishable under Sections 307, 120(B), 34 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner is that the petitioner made firing on the informant which hit him in the left abdomen.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the brother of the informant, namely, Raka Tiwary, who had been murdered, was known as veteran criminal of the area and there was rivalry with another



criminal Satish Pandey. It is further submitted that the petitioner is a business man and he has connection with the alleged occurrence. The father of the petitioner was also a business man who was murdered by the present informant for which Siwan Mufasil P.S. Case No.257 of 2008 was lodged, which is still pending and the informant is the main accused. It is also submitted that from perusal of paragraph 22 and 23 of the case diary, it transpires that co-accused persons have admitted that they fired on the informant of the present case. It is lastly submitted that the petitioner has got no criminal antecedent as stated in paragraph 3 of the bail petition.

Learned counsel for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the witnesses have supported the prosecution case. In the FIR, there is direct allegation against the petitioner and the injury report also supports the prosecution case.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, the petitioner is directed to surrender before the learned court below within a period of four weeks from



today and the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced from the order of this Court.

(Anjani Kumar Sharan, J.)

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