

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18864 of 2021

Arising Out of PS. Case No.-343 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

RAVI KUMAR SAXENA @ HARENDRA YADAV S/O LATE GOPAL PRASAD R/O VILLAGE-SAREN, P.S-MAKHDUMPUR, DISTRICT-JEHANABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Makhdumpur (Tehta) P.S. Case no. 343 of 2019 instituted for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

As per allegation in the FIR, while informant along



with his brother were returning to home from Tehta Bazar, petitioner along with his two brothers having country made pistol, with a common intention, they shot fire on the brother of the informant who hit in his shoulder, chest and abdomen resulting into his death.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case due to dirty village politics. He is in military service and at the time of occurrence he was not physically present there. Allegations levelled against him is general and vague in nature. There is admitted land dispute between both the parties. Not a single independent witness came forward to support the case except the family members of the deceased. Similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 15.6.2020 passed in Cr. Misc. No. 15203 of 2020 and vide order dated 20.10.2020 passed in Cr. Misc. No. 27409 of 2020.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and considering the fact that deceased died due to bullet injury, I am



not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

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

(Sunil Kumar Panwar, J)

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