

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30705 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- RAJNAGAR District- Madhubani

1. SANJEET YADAV @ SANJEET KUMAR YADAV Son of Indar Yadav @ Indradev Yadav @ Inar Yadav Resident of Village - Mohanpur, P.S. - Pandaul, District - Madhubani
2. Jitendra Yadav @ Jitendra Kumar Son of Indar Yadav @ Indradev Yadav @ Inar Yadav Resident of Village - Mohanpur, P.S. - Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 23-03-2022 The learned counsel for the petitioners are directed to remove all the defects pointed out by the Stamp Reported within one month.

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

The petitioners apprehend their arrest for the offences alleged under Sections 302 & 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, the informant came out from his house on hearing fire shot. Then he came to know that his brother Kamlesh Yadav had sustained fire arm injuries. The



informant saw four persons on two motorcycles, who were firing shots. They were Ashok Yadav, Prashant, RamBabu and one unknown. The informant reached the spot and found his brother Kamlesh Yadav in badly injured conditions. He has sustained fire arm injuries. Kamlesh Yadav was brought to the hospital and while carrying him to the hospital, the co-accused persons Dipak Yadav, Rabin Yadav, Sharwan chaupal, Gurudeo Yadav, Shambhu Yadav and Sanjay Yadav chased and opened fire but the informant was able to bring his brother to Sadar Hospital, Madhubani and from there he was referred to DMCH, Darbhanga where he was declared dead. It has further been alleged that deceased Kamlesh Yadav had obtained an agreement of 11 bighas of land to which the present petitioners were willing to grab and prior to the occurrence, the petitioners had threatened him to kill.

Learned counsel for the petitioners has submitted that the petitioners are not amongst the named persons who fired shot on the deceased nor amongst the persons who chased the informant while the injured was being carried to the hospital. Their names have figured at the foot of the Fardbeyan with the allegation that they were party to the conspiracy.

It has been specially mentioned in the fardbeyan that



prior to the occurrence the petitioners had threatened the deceased to kill and motive for that was 11 bigas of land to which the deceased has taken in agreement to which the petitioners wanted to grab. The investigation is still going on.

Considering the aforesaid facts and circumstances of the case, I do not think it a fit case for grant of anticipatory bail. It is accordingly, rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing with the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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