

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 434 of 2022

Arising Out of PS. Case No.-649 Year-2021 Thana- JAHANABAD District- Jehanabad

DEEPAK YADAV S/o Sunil Kumar @ Sunil Yadav Resident of Mohalla-
Gaurakshani, Police Station-Jehanabad, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Jahanabad P.S. Case no. 649 of 2021 instituted for the
offence under Sections 302/328/120(B) of the I.P.C.

As per allegation in the FIR, on 15.10.21 at about
6:00 p.m. accused Chunnu Sharma came to the house of
informant and taken the informant's son namely Praduman
Kumar along with him for visiting Dasahara fair (mela) but he
did not returned during night and during search, he came to
know that police recovered one dead body near Gaurighat. On
getting information, when the informant, went that place and
found his son dead body, who was killed by fire arm injury.



There was also sign of vomiting also found near the deadbody by which it appears that some poison was also administered to the deceased. It has further also been alleged that the accused persons namely Sonu Yadav, Deepak Yadav and Chandan and other five unknown persons in conspiracy murdered the son of informant.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. In para 85 of the case diary one injured eyewitness has stated that on the alleged date of occurrence, he saw that while deceased was consuming cigarette and ganja, 5-6 unknown accused persons, came there with covered face and started indiscriminate firing. Except this nothing has come against the petitioner and on mere suspicion, he has been falsely implicated in the present case as deceased Praduman Kumar and his full brother both were involved in several cases. There is no role of petitioner in the alleged occurrence.

Learned counsel for the informant as well as learned APP appearing for the State has opposed the prayer of bail and submitted that four cases are pending against the petitioner.

Having heard learned counsel for the parties and taking into consideration that petitioner is a habitual offender, 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 may 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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