

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33880 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- ROH District- Nawada

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SHAILENDRA KUMAR @ SHOLO YADAV @ SHALO YADAV Son of
Mishri Yadav Resident of Village- Mahkar, P.S.- Roh, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 147, 148, 149, 341,
504, 506, 307, 324 of the Indian Penal Code and 27 of Arms
Act.

Allegedly, the petitioner exhorted the other co-accused
persons to kill the informant. It is alleged that the petitioner
and other co-accused persons opened fire from their pistol
causing firearm injury over the left thigh of the informant. It is
also alleged that when the wife of the informant came to save
him, she also received gun shot injury over her head and right
hand.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. There is a case and counter-case between both the sides. He further submits that one of the co-accused who fired upon the informant has been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 21.06.2022 passed in Cr. Misc. No.52294 of 2021. Petitioner has four criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the co-accused Banti Yadav has been granted bail because he was not present at the place of occurrence.

Considering the facts and circumstances of the case, as there is allegation against the petitioner and other co-accused person to fire upon the informant, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the petitioner surrenders before the learned court below within a period of six weeks today, and seek for



regular bail, the learned court below shall pass the order,
preferably on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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