

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35223 of 2022**

Arising Out of PS. Case No.-10 Year-2021 Thana- BARHARA KOTHI District- Purnia

KUNDAN YADAV @ KUNDAN KUMAR YADAV S/o Kumud Kumar
Yadav Resident of Village- Mouzampatti, P.S.- Barharakothi, Districct-
Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-01-2023 Heard Mr. Rajnish Kumar Singh, learned counsel for
the petitioner as also the learned APP.

The petitioner is apprehending arrest in connection
with Barhara (Raghubansh Nagar) P.S. Case No. 10 of 2021
under sections 147, 148, 149, 341, 342, 323, 307, 302, 120B of
the Indian Penal Code and 27 of the Arms Act.

As per the prosecution story, the informant alleged in
the FIR that when she alongwith her husband were returning
home after getting their child administered Polio Drop, the
accused persons including the petitioner herein intercepted and



further Akhilesh Yadav, Bhushan Yadav and Nityanand Yadav opened fire as a result whereof, her husband died at the spot.

Accordingly, the FIR.

Learned counsel for the petitioner submits that omnibus allegation is there against him of being member of unlawful assembly. The further submission is that according to the informant, the occurrence took place on 2.15 PM but according to the inquest report, the body reached at 1.15 and thus there is discrepancy with regard to time.

The learned APP opposes the prayer stating that allegation is there which resulted into death of the informant's husband and this *alibi* cannot be considered at the time of anticipatory bail.

Considering the kind of allegation that has been levelled in the FIR against the accused persons including the petitioner in which the unfortunate death of the husband of the informant took place in her presence, certainly this is not a fit case for grant of anticipatory bail which is accordingly rejected.

However, if the petitioner surrenders within four weeks from today, the learned Court shall take into account that the petitioner do not have criminal antecedent, was part of the unlawful assembly and the specific allegation is against three



aforesaid named accuseds and dispose it of expeditiously.

Before parting, the Court would like to record its word of appreciation for Mr. Rajnish Kumar Singh for the assistance rendered by him.

(Rajiv Roy, J)

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