

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45779 of 2023

Arising Out of PS. Case No.-214 Year-2021 Thana- BELHAR District- Banka

SHISHUPAL YADAV SON OF RAMPRIT YADAV RESIDENT OF
VILLAGE- NAGAL, PS- BELHAR, DIST- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, petitioner along with other co-accused persons surrounded the informant's father and started abusing. On instigation of co-accused Sinku Yadav, petitioner and co-accused Pinku Yadav shot the informant's father due to which he died on spot.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and



based on concocted facts. There is admitted land dispute between the parties. After investigation, the police has filed final form against co-accused Pinku Yadav and Sinku Yadav, but filed charge sheet against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the process under Sections 82 and 83 of the Cr.P.C. has been completed against the petitioner. He relies upon the Hon'ble Apex Court judgment in the case of *State of Haryana Vs. Dharamraj* reported in 2023 SCC online SC 1085 and submits that in the aforesaid case, the Apex Court observed that anticipatory bail can be granted to a person who is proclaimed offender only in an exceptional and rare case.

6. Having regard to the facts and circumstances of the case as well as the judgment of Hon'ble Apex Court in the case of Dharamraj (supra), I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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