

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46421 of 2024

Arising Out of PS. Case No.-63 Year-2023 Thana- BITHAN District- Samastipur

Sakendra Yadav @ Saakendra Yadav S/o Late Ratni Yadav Resident of
Village-Sihma, Ward No. 03, P.S.-Bithan, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bithan P.S. Case No. 63 of 2023 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the FIR, the allegation against the petitioner is that he along with one Sunil Yadav and two unknown persons dragged the son of the informant from his shop with an intention to kill him merely on point of refusal of giving cigarette by the son of the informant. Thereafter, co-accused Shrawan Yadav opened fired upon the son of the informant, which hit on his chest causing his death.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and he has committed no



offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation against co-accused Shrawan Yadav. The petitioner was not present at place of occurrence. He has been made accused in the present case merely because he is brother of co-accused Shrawan Yadav. There is no specific overt act against him. 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 petitioner was also involved in the alleged occurrence. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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