

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48565 of 2024

Arising Out of PS. Case No.-66 Year-2010 Thana- AGION (GARHANI) District- Bhojpur

Keshwar Yadav Son of Late Ramraj Yadav R/O Vill.- Semraon, P.S.-
Charpokhari, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-08-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Agion (Garhani) PS case no. 66 of 2010, disclosing
offences punishable under Section 396 of the Indian Penal Code
and Section 27 of Arms Act.
3. The prosecution story, as per the Fardbeyan of the
informant, is that on 06.07.2010, while the informant was
having tea in a tea stall, petitioner and co-accused Wakil Yadav
along with five unknown persons came and looted the
government liquor shop, which was objected by Madan Kumar
and Bhola Yadav, on which, co-accused Wakil Yadav fired by
pistol upon Bhola Yadav and the petitioner fired from
countrymade pistol on Madan Kumar on his chest, due to which,



both died during course of treatment.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to local politics. Learned counsel further submits that petitioner is 75 years old and he was not having the knowledge of the present case.

5. On the other hand, learned counsel for the State submits that there is direct allegation of firing upon the petitioner and he is the main assailant of the deceased. The allegation against the petitioner is very grave and the petitioner is absconding since 2010 i.e. after lodging of the F.I.R. He further submits that process under Sections 82 & 83 Cr.P.C. have also been issued against the petitioner after issuance of non-bailable warrant. He next submits that Hon'ble Supreme Court, in the case Srikant Upadhyay & Ors. vs. State of Bihar & Anr. in SLP (Crl) No. 7940 of 2023, has held that if the accused is an absconder and has been declared proclaimed offender, he is not entitled for anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is the main assailant, F.I.R. has been lodged in the



year 2010, process under Sections 82 & 83 Cr.P.C. has already been issued against the petitioner and he is a proclaimed offender, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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