

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75368 of 2023

Arising Out of PS. Case No.-137 Year-2020 Thana- BIHARIGANJ District- Madhepura

BIRBAL YADAV @ VADO S/O BISHO YADAV R/O VILLAGE-
PARAKIYA TOLA, WARD NO.11, HATIAUDHA, P.S- BIHARIGANJ,
DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bihariganj Police Station Case No. 137 of 2020, disclosing offences under Sections 302, 307, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.
3. As per the First Information Report, on the date of occurrence on 27.06.2022, in the night, at about 1:40 am, the accused arrived at the door of the informant and knocked the door by saying that police party has arrived and when the husband of the informant opened the door, all the named accused persons started firing upon the husband of the informant due to which he died. The



informant also sustained two bullet injury and the FIR has been lodged on the basis of fardbayan of the injured wife of the deceased.

4. Learned Counsel for the petitioner submits that name of the petitioner has been added in the narrow portion of the FIR and it appears that the same is an afterthought and the petitioner has been implicated due to land dispute. The petitioner has got no criminal antecedent.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the informant, who has sustained bullet injury and is an eye witness to the occurrence, has disclosed the name of the petitioner along with others who arrived at the door of the informant and killed her husband, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

