

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44680 of 2015

Arising Out of PS.Case No. -140 Year- 2013 Thana -GOH District- AURANGABAD

=====

1. Nandlal Yadav, S/o Shri Uday Narayan Singh, resident of Village- Darar,
P.S. Bandeya, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 21-12-2015 Heard Mr. Kanhaiya Prasad Singh learned senior
counsel for the petitioner as well as learned A.P.P.

The petitioner apprehends his arrest in Goh P.S. Case
No. 140/2013, registered for the offences punishable under
Section 147, 148, 149, 324, 353, 307, 326, 435, 379, 427, 302 of
the Indian Penal Code, Section 27 of the Arms Act, Section 3 and
4 of the Explosive Substances Act and Section 17 of the C.L.A.
Act.

The petitioner is not named in the FIR. The informant
alleged that twenty unknown persons clothed in army dress came
near the barrack of the police on vehicles and made indiscriminate
firing causing the death of three S.A.P. constables and guards
inside and outside of the barrack.

It is submitted that the name of the petitioner came during the course of investigation in para 98-99 of the case diary. The accused disclosed in their confession that the petitioner provided the vehicles on which the extremists came to barrack. Save and except there is no material collected against the petitioner. He is an elected member of Zila Parishad. Similarly situated co-accused persons have already been enlarged on regular bail.

Taking into consideration that the case relates with the activists of Maoist in which many S.A.P. Jawans and Guards were killed and the name of the petitioner figured in the confession of co-accused, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated other co-accused persons have already been granted regular bail and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

Vinita/-

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