

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47878 of 2015

Arising Out of PS.Case No. -37 Year- 2013 Thana -DUMARIA District- GAYA

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Parmeshwar Yadav Son of Raudi Yadav @ Krishna Yadav, Resident of
Village - Sewara Tola Garotan Tand, P.S. - Maigra (Dumaria), District -
Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 10-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Dumariya P.S.
Case No. 37 of 2013 dated 02.07.2013 instituted under Sections
147/148/149/341/342/307/353/435/427/120B of the Indian Penal
Code and 17 of the C.L.A. Act.

The allegation against the petitioner and 34 others
named in a mob of 200-250 persons is of protesting against the
establishment of C.R.P.F. camp in their village armed with deadly

weapons and raising slogans and also of burning a police jeep. It is the further allegation that all of them are Naxalites.

Learned counsel for the petitioner submits that except for his name being taken, no specific overt act has been alleged against him and only on the identification by the Sub-Inspector of Police-cum-S.H.O. of the local police station his name has come and he has no criminal antecedent. Learned counsel has drawn the attention of this Court to Annexures-2, 3 and 4, which are copies of orders passed by co-ordinate Benches of this Court granting bail to various named co-accused namely Darogi Singh @ Darogi Singh Bhokta, Ramsharan Yadav and Mahendra Yadav @ Mahendra Mahto.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the nature of the allegation has wide ramifications for the society where the lawful authority of the State is challenged and it is not a fit case for grant of anticipatory bail. It is further submitted that with regard to various orders relied upon by learned counsel for the petitioner relating to grant of anticipatory bail to the other co-accused, the petitioner can also surrender before the court below and pray for bail relying on such orders.

Upon considering the facts and circumstances of the

case and submissions of learned counsel for the parties, the Court is not convinced that it is a fit case for grant of anticipatory bail and to that extent in all humility is not in a position to agree with the view taken by the said co-ordinate Benches granting anticipatory bail to the petitioners of those cases. Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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