

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37489 of 2015

Arising Out of PS.Case No. -2 Year- 2013 Thana -BAHERI District- DARBHANGA

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1. Kamal Narain Yadav son of Late Deo Narain Yadav resident of village -
Balalt, Police Station - Baheri and District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Madan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 22-09-2015 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 147,
148, 149, 341, 323, 324, 379, 504 of the Indian Penal Code
and 3/4 of the Explosive Substances Act.

The prosecution case is that the accused persons
including the petitioner tried to cut trees from the land of
Matth, when protest was made by the informant then on the
order of Raj Kishore, co-accused Dhirendra Yadav assaulted
with farsa on the head of the informant, when the informant
fell down then other petitioners also made assault. It is alleged
against the petitioner that he exploded explosive on the wall of
the Matth.

It is submitted by the learned counsel for the



petitioner that in the background of land dispute the accusation has been levelled. In fact, the land was donated to the Matth by the grand-father of accused Raj Kishore Yadav and Title Suit No. 122 of 1951 was filed by the then Mahant of the Matth but the same was dismissed and since then the accused persons are in possession of the land in question. It is further submitted that for the occurrence of 09.12.2012 the First Information Report was registered on 01.01.2013. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

It is submitted by the learned counsel for the informant that accusation against petitioner, who have exploded explosive to terrorize the informant and the petitioner is accused in Baheri P.S. Case No. 74 of 2000, whereas it is submitted by the learned counsel for the petitioner that petitioner has been acquitted in the said case.

Considering the delayed lodging of the case against mob, when as per the accusation itself the explosive, if at all was used, it was not used for causing injury or taking life of any persons. The impugned order does not suggest that any material was collected during investigation with suggesting use of explosive.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for four months in the event of his arrest or surrender before the

learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Baheri P.S. Case No. 02 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Let, the learned court below get it verified that the Baheri P.S. Case No. 74 of 2000 is still pending against the petitioner or not, if it is found that petitioner has been acquitted in the aforesaid case, then the provisional bail of the petitioner will be confirmed by the learned court below but if it is found that the case is pending, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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