

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4496 of 2016

Arising Out of PS.Case No. -100 Year- 2012 Thana -NARDIGANJ District- NAWADA

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Bhim Yadav, Son of Late Kishun Yadav, Resident of village- Ange, P.S. Nardiganj, District- Nawadah

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Upendra Kumar, Advocate.

For the Opposite Party : Mr. Shyam Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-06-2016 Heard Shri Bindhyakeshri Kumar, learned senior counsel for the petitioner, Shri Durgesh Nandan, learned counsel for the informant and the learned APP.

The petitioner apprehends his arrest in Nardiganj P.S. Case No. 100 of 2012 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named 12 persons and alleged that 7 persons Pintu Yadav, Shrawan Yadav, Nagina Rai, Ramji Yadav, Rakesh Yadav, Sahdeo Yadav and Mintu Yadav fired causing death of the deceased on the spot. The petitioner and other five persons are also alleged to have waylaid.

It is submitted that the petitioner is not alleged to have



fired. The police after investigation submitted final form. The learned court below accepted the final form, thereafter, the informant preferred Cr. Revision No. 53 of 2014 and the acceptance of final form was set aside and the matter was reverted to pass fresh order on such the cognizance was taken against the petitioner. It is further submitted that similarly situated co-accused Deepak Kumar has been granted anticipatory bail in Cr. Misc. No. 18121 of 2013 on 06.06.2013. The anticipatory bail petition of Arjun Yadav was also disposed of with observation vide orders passed in Cr. Misc. No. 26816 of 2013 and he was also granted regular bail by the learned court below. The case of the petitioner stands exactly on the same footing as that of co-accused Deepak Kumar.

Shri Durgesh Nandan, learned counsel for the informant as well as the learned APP vehemently opposed the prayer for bail but could not be able to distinguish the case of the petitioner with Deepak Kumar who has already been granted anticipatory bail. It is submitted that the case is of the year 2012 and the petitioner moved for anticipatory bail after four years of the occurrence, but in the year 2015 the final form was submitted, same was accepted and the order of accepting the final form was set aside in the year 2015 itself.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Nawadah in Nardiganj P.S. Case No. 100 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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