

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12961 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -WARSALIGANJ District- NAWADA

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1. Deenanath Yadav Son of Snehi Yadav Resident of village - Nagpur, P.S.
Warisaliganj, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 12-04-2016 Heard the counsel for the petitioner and Mr. Ambika
Bhagat Spl. P.P. for the State.

The petitioner apprehends his arrest in connection with Warisaliganj P.S. case no. 130 of 2015, registered under Sections 341,323,448/34 of the IPC and Section 25(1-B)A, 26,35 of the Arms Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act .

Indisputably, there is no allegation constituting the offence under the Arms Act levelled against the petitioner. It is against the son of the petitioner.Counsel for the petitioner states with reference to the First Information Report that the caste name of the accused has not been disclosed in the opening lines. It has not been alleged that she belongs to SC/ST caste/community and

abused taking her caste name. The allegation is punctuated with malice.

Mr. Bhagat, Spl. P.P., on the other hand, states that in the FIR , it has been alleged that the petitioner took the name of her caste. In the particular facts of the case where neither her caste status has been stated in the FIR nor it is alleged that by taking caste name she was abused as also the fact that he is not the person who came armed with pistol, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nawada, in connection with Warisaliganj P.S. case no. 130 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in

such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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