

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34736 of 2017

Arising Out of PS.Case No. -151 Year- 2106 Thana -NAYA RAM NAGAR District- MUNGER

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1. Natho Yadav Son of Late Nirdhan Yadav, Resident of Village- Heru
Diyara, P.S.- Naya Ram Nagar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.02.2017 in connection with Naya Ram Nagar P.S. Case No.
151 of 2016 for offences punishable under Sections 147, 148, 149,
384, 386, 307, 504 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that while he was selling fish after fishing it from Dakra Nala
Pond, the petitioner along with accused persons and 4-5 un-known
armed with pistol came to him and demanded Rangdari of Rs.
5,00,000/-. On pistol point, petitioner snatched Rs. 40,000/- from
the informant and threatened him to pay the remaining ransom



amount very soon. The informant managed to escape but all the accused persons started indiscriminate firing but did not hit the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent. There was dispute between the informant and the petitioner along with other co-accused, named in the FIR for settlement of the Dakra Nala pond. He submits that no overt act has been committed by the petitioner hence, Section 27 of the Arms Act is not applicable. There was land dispute between the parties for which complaints have been filed before the Revenue Officer. The petitioner who is Ex-Mukhiya of the said Panchayat has been falsely implicated in the present case, and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses. He further submits that some of the co-accused have been granted the privilege of anticipatory bail and also regular bail in Criminal Misc. No. 3397 of 2017 on 10.02.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Chief Judicial Magistrate II, Munger , in connection with Naya Ram Nagar P.S. Case No. 151 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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