

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34596 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- PHULPARAS District- Madhubani

NIRMAL KUMAR YADAV @ NIRMAL YADAV Son of Ram Ashis Yadav
Resident of Village - Phulparas, P.S.- Phulparas, Distt - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-08-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Phulpras P.S.Case no.61 of 2018 dated 17.4.2018 registered for offences punishable under Sections 147, 148, 149, 341, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story is that while the father of the informant was returning, the accused persons including the petitioner surrounded him and they were asking him to withdraw the case lodged against them and on refusal it is said that one Sanjay Yadav fired on her causing injury and thereafter the accused persons fled away.

Submission of the learned counsel for the petitioner is that no specific overt act has been alleged against the petitioner



and as per FIR he is only a member of the mob. He has falsely been implicated due to village politics.

Heard learned A.P.P. , who has opposed the prayer for bail on the ground that all the accused persons including the petitioner surrounded the deceased asking him to withdraw the case lodged against them and on refusal they killed him and as such all the accused persons have participated in the death of the deceased. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, if the petitioner surrenders and pray for regular bail, the same shall be considered on its own merit without being prejudiced by the order of this Court and if possible to be disposed of on the same day.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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