

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40745 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- NARDIGANJ District- Nawada

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Dharmendra Yadav @ Dharmendra Kumar, son of Bachhu Yadav Resident of
Village-Sandohra, P.S.-Nardiganj, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Nardiganj P.S. Case No.93 of 2019 for the offence punishable
under Sections 147, 148, 149, 341, 323, 337, 353, 504 of the
Indian Penal Code and Section 25(1-b)a/26/27/35 of the Arms
Act.

The allegation against the petitioner in the First
Information Report that the police upon information that the two
groups at Village Sandohra were indulged in brick batting and
exchange of firing arrived at in village. Further the police party
was informed that few persons were firing and upon arrival of
the police persons they have fled away and out of them, six
persons were caught hold by the police who disclosed the name
of another about 25 persons. It has further been alleged that the



some of the persons also damaged the police vehicle and broken its front glass. However, the police party was informed that there was fight between the first party, i.e. the side of the Dharmendra Yadav and the second party, i.e., Trigon Yadav.

Learned counsel for the petitioner submits that from perusal of First Information Report, no offence is made out against the petitioner inasmuch as arrested persons did not name the petitioner in the first instance. However, in the second part of FIR, name of the petitioner has surfaced merely to the effect that side of the petitioner was indulged in brick bating and firing. He further submits that the empty cartridge which has been recovered by the police that has been recovered from area in front of the house of Trigon Yadav and not from the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no specific allegation of firing is their in the First Information Report of making firing by the petitioner and the fact that in the first instance the name of the petitioner did not appear in the FIR, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender



before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Nawada, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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