

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54622 of 2019**

Arising Out of PS. Case No.-150 Year-2019 Thana- NATHNAGAR District- Bhagalpur

ANIL YADAV S/o Subhit Yadav R/o Village- Dogachchi, P.S.- Nathnagar,
Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv,
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Nathnagar P.S. Case No. 150 of 2019, pending in the Court of
the Additional Chief Judicial Magistrate, I, Bhagalpur,
registered under Sections 147, 148, 149,, 341, 323, 325, 307,
504 and 506 of the Indian Penal Code, 27 of the Arms Act and
2, 3 and 4 of the Explosive Substances Act.

The accusation is that on 21.03.2019 at about 10.00
a.m. one Gobind Mandal, co-villager of informant, Jhaksu
Mandal, was passing through the door of Anil Yadav
(petitioner), then, Anil Yadav abused him saying to move
through other direction, then, Gobind Mandal made complaint



in the village, thereafter, 15 to 20 persons of the villager proceeded towards the house of Anil Yadav and saw that Anil Yadav and 14 other, named in the first information report, and 4-5 unknown were engaged in dismantelling the thatched wall of Nakul Mandal. On seeing the informant and others, they surrounded them. On the order of the petitioner, Anil Yadav, all started to hurling bomb and making firing and some started to cause assault through lathi and stick. One person informed to police at Nathnagar Police Station, then, police came and injured Jhaksu Mandal, Sita Ram Mandal, Gobind Kumar and Shekhar Mandal were rushed for treatment to Mayaganj Hospital by the police.

The learned counsel appearing on behalf of the petitioner submits that in fact the prosecution party entered in the house of the informant opening fire and caused injury through other instruments, but, fire arm injury was sustained by the wife of the informant whereas several injures were caused by hard and blunt substance, bomb was also hurled regarding which information was given to the police on the basis of the fardbeyan of Rani Devi, wife of the petitioner and Nathnagar P.S. Case No. 151 of 2019 was instituted. Further, submission is that while the petitioner is named in the first information report,



along with 14 others, but, no specific overt act has been attributed against the petitioner.

On the other hand, learned Additional Public Prosecutor opposed the prayer for bail of the petitioner with submission that informant, Jhaksu Mandal, Baijnath Mandal and Gobind Kumar have sustained the grievous injuries as detailed in paragraphs 21, 22 and 23 of the case diary.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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