

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56736 of 2019

Arising Out of PS. Case No.-273 Year-2016 Thana- WARISLIGANJ District- Nawada

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NANDE YADAV @ NANDE PAHALWAN Son of Basudeo Yadav Resident
of Village - Bighapar Giriyak, P.S.- Giriyak, Distt - Nalanda at Biharsharif.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate. Mr. Sheo Kumar Prasad, Advocate. Mr. Santosh Kumar Pandey, Advocate.
For the State	:	Mr. Pawan Kumar Chaurasia, A.P.P.

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

ORAL ORDER

2 13-09-2019 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Warisaliganj P.S. Case No.273 of 2016 registered under
Sections 387, 385 and 504/34 of the Indian Penal Code besides
Section 27 of the Arms Act.

The accusation is that the informant Asharfi Sada
being the Munshi of Jai Mata Di Enterprises, on 17/18.11.2016
at about 01.30 A.M., was sleeping along with others in his Sand
Office. At that time, some persons started to abuse and made



firing at about 6-7 rounds in air and asked that if Rs.25,00,000/- is not given, they would not permit to run the Balughat. Thereafter, they started to knock the door and asked to open the door, otherwise they would explode the bomb at them. Due to fear, when the informant opened the door, then he saw that five persons, named in the F.I.R., along with 7-8 unknown armed with revolver, rifle, lathi and danda were present. In the meantime, Dilip Raut pointed the gun at the temporal region of the informant and asked him to tell his owner to give Rs.25,00,000/- to run the Balughat, otherwise, he would kill them. Thereafter, they damaged the glasses of the vehicles, which were parked there, and fled away from there making the fire in air. Earlier, on 04.11.2016, the occurrence of damaging the machine and of committing "Maar-Peet" with the staff of the informant had taken place in which the firing in air for about 20-25 rounds was also made regarding which Warisaliganj P.S. Case No.258 of 2016 was also instituted.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the informant has not disclosed the name of the petitioner and he has only identified five persons out of 13 persons but, during investigation, in his re-statement, he has disclosed the name of the petitioner and



two others. In fact, the petitioner is suffering from kidney problem and his kidney has been transplanted. With an ulterior motive, the petitioner, who is also businessman, has falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Nawada, in connection with Warisaliganj P.S. Case No.273 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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