

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18708 of 2020**

Arising Out of PS. Case No.-11 Year-2013 Thana- SINGHESHWAR District- Madhepura

NIRMAL YADAV @ NIRMAL KUMAR YADAV @ NIRMAL KUMAR
Son of Narsingh Prasad Yadav @ Sarshing Chandra Yadav Resident of
Village - Jajhat Sawaila Ward No. 09, P.S.- Singheshwar, District- Madhepura
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal APP Incharge

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-09-2020 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP Incharge for the State in absence of MR. Anand Kishore Choudhary, learned A.P.P.

Petitioner, in the present case, is seeking pre-arrest bail in connection with Singheshwar P.S. Case no. 11/2013, G.R. No. 192/2013 registered for the offence under Section 143, 323, 307, 427, 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that on perusal of the First Information Report it will appear that the thrust of the allegations are against co-accused Bablu and Abhimanyu. It is submitted that the name of this petitioner has been inserted in the F.I.R. at a later stage.

Learned counsel submits that the F.I.R. itself shows that a large number of villagers were protesting against the



survey work. It is lastly submitted that co-accused Bablu @ Kumar @ Brajesh Kumar has been recently granted privilege of anticipatory bail by learned coordinate Bench of this Court vide order dated 17.06.2020 passed in Cr. Misc. No. 10387/2020. On specific query raised by this court as to why this petitioner has approached this court after six years, learned counsel submits that from the impugned order itself it will appear that the investigation in this case is pending and only recently the police obtained warrant of arrest whereupon this petitioner has got apprehension of arrest and this fact has also come in the order passed by the learned coordinate Bench of this court.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein there is no specific allegation against this petitioner and then the co-accused has been granted privilege of anticipatory bail by learned coordinate Bench of this Court, otherwise petitioner has got no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Madhepura, in connection with Singheshwar P.S.
Case No. 11/2013, G.R. No. 192/2013, subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

