

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26990 of 2020

Arising Out of PS. Case No.-288 Year-2018 Thana- NAWADA District- Nawada

PANKAJ YADAV @ PANKAJ KUMAR S/o Naresh Kumar Resident of
Village- Lohani Bigha, P.S.- Nawada Town, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indradeo Prasad, Advocate.

For the Opposite Party/s : Mr. Panchanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 05-11-2020

This matter has been taken up in virtual Court.

Let the defects be removed within 15 days of the start
of the physical Court.

Heard the parties.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 447, 448, 341, 323, 427, 307, 379 and 504 of the Indian
Penal Code and Section 27 of the Arms Act.

This Court had refused prayer for anticipatory bail to
this petitioner on 25.09.2018 in Cr. Misc. No. 50570 of 2018
considering the allegation against the petitioner of commission
of fire arm injury at the leg of the informant.

The petitioner did not surrender after refusal of the
prayer for anticipatory bail nor challenged the said order before



the competent court rather prayer has been renewed on the ground that similarly situated co-accused Rahul Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court on 16.01.2019 in Cr. Misc. No. 593 of 2019, co-accused Sanni Yadav was allowed anticipatory bail on 19.12.2018 by a co-ordinate Bench of this Court in Cr. Misc. No. 73145 of 2018, co-accused Naresh Yadav was allowed anticipatory bail by a co-ordinate Bench in Cr. Misc. No. 55871 of 2018 on 08.10.2018 and co-accused Sobha Devi was allowed anticipatory bail by a co-ordinate Bench in Cr. Misc. No. 44274 of 2018 on 27.07.2018.

Learned counsel for the petitioner further submits that petitioner is a candidate for constable recruitment and admit card has been issued to the petitioner for appearance in the examination.

From perusal of the order of the co-ordinate Bench passed in Sobha Devi Case, it appears that since Sobha Devi was a female and co-accused Santosh was already allowed bail, hence Sobha Devi was allowed anticipatory bail. The co-ordinate Bench while considering the prayer for bail of Naresh Yadav allowed bail considering grant of anticipatory bail to Sobha Devi. Likewise other subsequent Benches relied on grant



of anticipatory bail to Naresh Yadav and Sobha Devi while granting anticipatory bail to Sanni Yadav. However, before none of the Hon'ble Benches, who passed order subsequent to refusal of prayer for anticipatory bail to the petitioner, were brought to the notice of the order of refusal of prayer for bail to the petitioner. Moreover, the order of grant or refusal of bail is not binding on a co-ordinate Bench. In my view, a person bearing allegation of commission of fire arm injury does not deserve prayer for anticipatory bail.

Hence, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Nawada Town P.S. Case No. 288 of 2018 pending in the Court of learned Chief Judicial Magistrate, Nawada.

This application stands dismissed with cost of Rs.10,000/- to be deposited in the Victim Compensation Fund before surrender of the petitioner.

(Birendra Kumar, J)

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