

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85197 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- BARHARA KOTHI District- Purnia

Nityanand Yadav Son of Late Balo Yadav Resident of Village - Siswa, P.S.-
Barhara (Raghubansh Nagar), District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Pratap Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 506, 120B of the Indian Penal Code, Sections 3 of Explosive Substances Act and Section 27 of the Arms Act.

The prosecution case as per the written report of Sahil Saurav submitted to in-charge S.H.O. of B. Kothi (O.P. Raghuvaransh Nagar) is to the effect that on 11.02.2019 1.30 P.M., the father of the informant, Braj Kishore Yadav was coming home after inaugurating the cultural programme on the eve of Saraswati Puja when all the accused persons including the petitioner resorted to fire and used explosives which caused blast injury on the right leg of the father of the informant. The



other persons also received injury.

It is submitted by learned counsel for the petitioner that at earlier point of time, one Arun Yadav lodged Barhara (Raghuvanshnagar) P.S. Case No. 38 of 2019 with accusation under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act against the informant and others in which wife of Arun Yadav was killed at the hands of informant's side, thereafter the present FIR has been lodged as a retaliatory measure. It is further submitted that the accusation is omnibus and general and similarly situated co-accused Kaushal Yadav @ Kaushal Kishore Yadav has been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 24.01.2020 passed in Cr. Misc. No. 87400 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the accusation is omnibus and general and the fact that from the petitioner's side, one person was allegedly killed at earlier point of time at the hands of informant's side, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Purnea in connection with Barhara (Raghubansh Nagar) P.S. Case No. 39 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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