

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33953 of 2020**

Arising Out of PS. Case No.-208 Year-2019 Thana- MADANPUR District- Aurangabad

Durga Yadav @ Durg Kumar, (Male), aged about 20 years, Son of Subedar Yadav Resident of Village-Bishrampur, Police Station-Deo, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate
For the State	:	Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Najeeb Ahmad, learned counsel for the petitioner and Ms. Nirmala Kumari, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Madanpur PS Case No. 208 of 2019 dated 19.09.2019, instituted under Sections 386/387/379 of the Indian Penal Code and 17 of the Criminal Law Amendment Act, 1932.

4. The allegation against the petitioner is that he was one of the persons who was returning after giving supply and extortion money to the naxalites and getting articles from them and on seeing the police had run away whereas two persons out of six were caught who have named him.



5. Learned counsel for the petitioner submitted that besides not being caught, there is nothing to connect him to the allegation that he was also one of the persons who had gone to give the extortion money and articles to the naxalites. It was submitted that the petitioner is a driver in a company Contractor and Engineers and has no concern or nexus either with the activity or the ideology of naxalism. Learned counsel submitted that except for the name disclosed by the arrested persons, the petitioner has been implicated without there being any other material to connect him to any criminal activity. It was submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the persons who were arrested have taken the name of the petitioner as being one of the persons who had fled away. Learned counsel submitted that there is no reason why the arrested persons would falsely implicate the petitioner as also the fact that they knowing the correct details of the petitioner also indicates that what they had disclosed was correct as the name of any fictitious person was not taken. Learned counsel submitted that such activity being common in the area, coupled with the fact that the arrested persons have specifically taken the name of the petitioner clearly indicates that the petitioner was involved in such activity



and was connected to the extremist organization. It was further submitted that no witness comes forward to depose against such elements as it would create life threatening situation for such witness and, thus, taking the name of the petitioner by the arrested persons cannot be said to be with any ulterior motive, much less, incorrect.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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