

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33934 of 2020**

Arising Out of PS. Case No.-74 Year-2020 Thana- MANIGACHI District- Darbhanga

Mahendra Yadav, Male, aged about 66 years, Son of Late Mahvir Yadav
Resident of Village - Chak Chinta Manipur, P.S.- Manigachhi, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate with Mr. Girish Chandra Jha, Advocate
For the State	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 19-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Devendra Kumar Sinha, learned senior counsel along with Mr. Girish Chandra Jha, learned counsel for the petitioner; Ms. Rina Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Rajesh Kumar Singh, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Manigachhi (Bajitpur OP) PS Case No. 74 of 2020 dated 22.03.2020, instituted under Sections 147/ 148/ 149/ 504/ 506/ 302/ 120B of the Indian Penal Code and 27 of the Arms Act,



1959.

4. The allegation against the petitioner and others is of killing the father of the informant who was the local *Pramukh*.

5. Learned counsel for the petitioner submitted that he has been falsely implicated due to village politics as he was also an elected representative earlier. Learned counsel submitted that the petitioner may have many cases against him but in all he has been acquitted. Learned counsel submitted that even as per the FIR he is the order giver.

6. Learned APP submitted that besides the petitioner having antecedent of 12 cases against him under serious sections including Sections 307/395 of the Indian Penal Code, is the person who has extorted the others to kill the father of the informant which has resulted in assault and death.

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.

9. However, on prayer made by learned counsel for the petitioner, the Court would observe that if the petitioner surrenders before the Court below and prays for bail within four weeks from today, the same shall be considered on its own



merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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