

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 46561 of 2022**

Arising Out of PS. Case No.-102 Year-2019 Thana- NALANDA District- Nalanda

ANIL KUMAR @ ANIL @ ANIL YADAV @ LOTHIA Son of Kishori Yadav
Resident of Village - Mamurabad, P.S. and District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar.

The petitioner seeks bail in Sessions Trial No 372 of 2021 arising out of Nalanda Police Station (for brevity, PS) Case No 102 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506//34 of Indian Penal Code and Section 27 of Arms Act.

Petitioner's counsel submits that only two witnesses have been examined out of five charge sheet witnesses, as per the first charge sheet submitted in the trial Court. Submission is that the petitioner has been implicated on extraneous considerations on account of his proximity with co-accused



Arbind Yadav who happens to be a candidate in the last Primary Agricultural Credit Societies (PACS) elections and based on political rivalry, the case has been instituted. This fact has been considered by this Court earlier in Cr Misc No 18218 of 2020 and Cr Misc No 53521 of 2021, both of which were rejected on 04.11.2020 and 02.02.2022 respectively. The additional fact, being raised by the petitioner's counsel, is that the petitioner has now completed three years' period of custody, coupled with the fact that co-accused Arbind Kumar @ Arbind Yadav has been allowed bail by a coordinate Bench of this Court by order dated 27.11.2019 passed in Cr Misc No 74249 of 2019.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody as also the fact that co-accused has already been granted bail, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Nalanda at Biharsharif in Sessions Trial No 372 of 2021 arising out of Nalanda PS Case No 102 of 2019 subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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