

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24113 of 2023

Arising Out of PS. Case No.-629 Year-2021 Thana- FATUA District- Patna

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KRISHAN NANDAN KUMAR @ KISNAN YADAV @ KRISHN
NANDAN YADAV S/O LATE SAKALDEV SINGH Resident of village-
Hajipur, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kashyap, Advocate.

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard Mr. Prashant Kashyap, learned counsel for the

petitioner and Mr. Uday Pratap Singh, learned Additional Public

Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Fatuha P.S. Case No. 629 of 2021 registered for the offence
punishable under Sections 341, 342, 326, 307, 504, 506/34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case while the informant was
on morning walk he was surrounded by the petitioner along with
other co-accused persons. All the accused persons including
petitioner variously armed with weapons abused and attacked
the informant upon which the informant started running away.
In the meanwhile, brother of the informant arrived at the place



of occurrence and started running away along with the informant but they were surrounded by the accused on the gun point and the accused D.S.P. Gope who was carrying country made pistol in his hand, fired upon the brother of the informant.

Learned counsel for the petitioner submits that there is land dispute between the informant and co-accused D.S.P. Gope. He further submits that no specific overt act has been alleged against the petitioner and firing was made by the co-accused D.S.P. Gope upon brother of the informant. He further submits that the allegation against the petitioner is general and omnibus in nature and he is having no criminal antecedent. He next submits that similarly situated co-accused Sowarath Yadav @ Swarth Prasad has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 144 of 2022.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Patna City, in connection with Fatuha P.S. Case No. 629 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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