

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10919 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- GWALPARA District- Madhepura

Nitesh Kumar @ Bouwa Yadav @ Nitish Kumar S/o Bijendra Yadav Resident
of Village- Sukhasan Ward No. 11, P.S.- Gwalpara (Arar O.P.), District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
379, 354(B), 384, 386, 387, 504, 506 and 34 of the Indian Penal
Code read with Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.

4. The informant alleges that on 17.08.2023 when her
son objected the accused persons to put materials over his land
when he was assaulted. It is further alleged that on orders of
Nityanand Yadav, accused Mukund Yadav caught the hair of the
informant and dragged her on account of which she got disrobed,
further Nityannad Yadav demanded ransom of Rs. 5 lakhs in lieu



of the vacant land of the informant's son, further petitioner is alleged to have snatched the golden chain from the neck of the informant.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation against the petitioner of snatching golden chain is ornamental in nature. It is also submitted that allegation of assault and demanding ransom is against other accused persons. It is next submitted that even the FIR was instituted after a delay of three days. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the prayer for anticipatory bail of the petitioner and submits that these days in Bihar land grabbing is rampant. It is further submitted that from tenor of the allegation as alleged in the FIR, it would manifest that the informant has not alleged any exaggerated allegation rather it appears what transpired at the place of occurrence, the same is alleged. It is further submitted that such occurrences take place only when several accused come together, but then fairly submits based on pleadings made at Para-3 of the anticipatory bail application that



petitioner has no criminal antecedent.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gwalpara (Arar O.P.) P.S. Case No. 161 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father Bijendra Yadav.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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