

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43045 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -WAJIRGANJ District- GAYA

=====

Kuldip Yadav, S/o Late Rajo Yadav, Village- Badhi Bigaha, P.S.-
Wazirganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar –Manglam,
Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-02-2016 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner apprehends arrest in connection with
Wazirganj P.S. Case No. 65/15 for the offences alleged under
Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal
Code.

The prosecution case as alleged in the First
Information Report is that there was some scuffle between the
petitioner and his other men of another village with the informant
and his uncle whereby on the eve of Holi ten persons including the
petitioner came armed with *lathi* and rod. It is alleged that Dilip
Mistri and Kapindra Mistri pierced iron rod on the head and knee
of the uncle of the informant and when Sanjay Yadav came to

rescue his uncle, he was also assaulted. Later on when informant's co-villagers came the villagers of Bari Bigha fled away. The uncle of the informant was then taken to Anugrah Narayan Magadh Medical College, from where he was referred to P.M.C.H., Patna and on 07.03.2015 he succumbed to his injury.

It has been submitted by the learned counsel for the petitioner that the petitioner has clean antecedent, as is evident from Paragraph 3 of this petition and has been falsely implicated in this case. It has further been submitted that no specific allegation of assault has been attributed against this petitioner and there is only general and omnibus allegation against him. Learned counsel for the petitioner further submits that the other co-accused have already been granted the privilege of anticipatory bail in Cr. Misc. No. 35978 of 2015 on 21.08.2015 by a Coordinate Bench of this Court.

Learned APP for the State, however, submits that the petitioner along with other accused persons is named in the First Information Report and cannot be said to be innocent and having not committed the overt act.

Considering that the Coordinate Bench of this Court has granted the privilege of bail to similarly situated accused of the aforesaid case, let petitioner, namely, Kuldip Yadav

in the event of arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Wazirganj P.S. Case No. 65/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--