

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20698 of 2018

Arising Out of PS. Case No.-53 Year-2017 Thana- HAYAGHAT District- Darbhanga

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Sadanand Sada son of Chhotkan Sada resident of Barchhiya, P.S. -
Hayaghath, District – Darbhanga ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mrs. Shama Sinha, Adv.

For the Opposite Party : Mrs. Madhuri Lata, APP 103

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Learned counsel for the petitioner prays is permitted to make necessary correction in paragraph 3 of the petition, as prayed for.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Hayaghat P.S. Case No. 53 of 2017 for offences punishable under Sections 302/34 and 120B of the Indian Penal Code.

The prosecution case as per the fardbeyan of Asha Devi, recorded by Assistant Sub Inspector of Police, Hayaghat Police Station, Darbhanga, on 20.08.2017 at 12.10 P.M. at Dr. J. Chandra Emergency Waiting Hall, Darbhanga Medical College and Hospital, Darbhanga, to the effect that the husband of the informant, late Domu Sah, asked to return back Rs.10,000/- from Sitaram Yadav, who had taken such amount from the



husband of the informant. Thereafter, Sitaram Yadav declined to give the money whereupon the husband of the informant took out the key of the motorcycle of Sitaram Yadav. Sitaram Yadav threatened the deceased (informant's husband) with dire consequence. It is further alleged that on 20.08.2017 at 05.00 A.M. the informant's husband had gone to attend his nature's call, when the informant came to know that scuffle is going on between the informant's husband and Sitaram Yadav, whereupon, the informant went to the place of scuffle and saw that son of Sitaram Yadav, namely, Radhe Yadav along with Nitish Yadav and other accused persons, armed with various weapons, were assaulting the informant's husband on the instigation of Sitaram Yadav.

It is submitted by the learned counsel for the petitioner that the accusation of assault in first information report is against four persons and no specific accusation of assault has been levelled against the petitioner as he is not named in the first information report. A statement has been made in paragraph 3 of the petition that the petitioner is not having criminal antecedent.

It is submitted by the learned Additional Public Prosecutor that from the accusation levelled in the first



information report, it does not appear that the petitioner made assault.

Considering the fact that there is specific accusation against four persons named in the first information report to have made assault on the husband of the informant, who subsequently succumbed to injury coupled with the statement made in paragraph 3 that the petitioner has no criminal antecedent, the prayer of the petitioner for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioner before the Court below within six weeks from today in connection with **Hayaghat P.S. Case No. 53 of 2017**. He shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, V, Darbhanga**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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