

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43459 of 2019**

Arising Out of PS. Case No.-135 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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RAM LOCHAN YADAV S/o Late Dashrath Yadav R/o village- Khasua, P.S.-
Sadar, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Girish Chandra Jha
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh
For the informant	:	Mr. Vinay Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-07-2019 Heard learned Counsel for the petitioner, learned

Counsel for the informant and learned Additional Public

Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Sadar Police Station Case No. 135 of 2019, disclosing
offences under Sections 341/323/307/379/34 of the Indian Penal
Code.

The allegation against the petitioner is that on the date
of occurrence, six persons arrived behind the house of the
informant, including this petitioner, and Hriday Narayan Yadav
and Rajesh Kumar assaulted the informant on his head by farsha
and iron rod.

Learned Counsel for the petitioner submits that



though the petitioner is named in the First Information Report, no overt act is attributed against him and the allegation of assault is only on the other co-accused persons and, accordingly, the petitioner deserves privilege of anticipatory bail.

Learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner was also part of the unlawful assembly when the informant was being assaulted by the co-accused persons.

After having heard learned Counsel for the parties and taking into consideration the fact that no overt act has been alleged against the petitioner in the First Information Report and only the presence of the petitioner has been shown along with other co-accused persons, this application is allowed.

Let the petitioner, Ram Lochan Yadav, in the event of his arrest or surrender before the Court below within four weeks, 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, Darbhanga, in connection with Sadar Police Station Case No. 135 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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