

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84418 of 2019

Arising Out of PS. Case No.-453 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Lalan Yadav Son of Late Jhakhari Prasad, Resident of Village - Sharthua,
P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vindhya Keshri Kumar, Sr. Advocate Mr.Birendra Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-12-2019 At the outset, learned Senior Counsel for the petitioner submits that in paragraph 10 of the petition inadvertently a statement has been typed that the petitioner is in jail since 01.11.2019 whereas in fact the present application is anticipatory bail application and it is a mistake because of the cut and paste in the computer. Since the learned Senior Counsel has made a fair statement at the Bar, this Court permits the learned Advocate on record to delete paragraph '10' in course of the day. Let the further paragraphs be re-numbered accordingly.

Heard learned counsel for the petitioner and learned APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Makhdumpur P.S. Case No. 453 of 2019



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 427, 379 and 504 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that in the first information report altogether 18 persons have been named as those who had assembled at the place of occurrence lashed with lathi and danda and they had assaulted the brother of the informant and took away a sum of Rs. 30 to 35,000/- from the cash box of the sweets shop. The brother of the informant later on succumbed to the injuries and died.

Learned Senior Counsel submits that there is no specific allegation of assault against this petitioner and in course of postmortem only four injuries have been found on the body of the deceased which falsifies the allegation that all the 18 named accused persons had assaulted the deceased. It is further submitted that the co-accused namely, Umesh Prasad @ Umesh Yadav @ United has been granted regular bail by a learned Co-ordinate Bench of this Court vide order dated 17.12.2019 passed in Cr. Misc. No. 83662 of 2019, the case of the petitioner is similarly situated.

Learned A.P.P. for the State is present and submits that if the case of the petitioner is similar to the co-accused who



have granted privilege of regular bail, he may surrender in the court below and pray for regular bail in same terms.

In the given facts and circumstances of the case, where the co-accused have been granted regular bail by a learned Co-ordinate Bench of this Court and it is the contention of learned Senior Counsel for the petitioner that his case is similarly situated to that of the co-accused, instead of entertaining the present anticipatory bail application this Court directs that in case the petitioner surrenders and prays for regular bail within a period of four weeks from today in the court below, his prayer for regular bail shall be considered on its own merit and keeping in view that the co-accused has been granted regular bail by a learned Co-ordinate Bench of this Court.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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

