

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.130 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- PHULWARIYA District- Gopalganj

DILIP KUMAR YADAV @ DILIP YADAV, aged about 18 years (Male), Son of Shivrath Yadav, Resident of Village - Sangrampur Gopal, P.O.- Paikauli Bado, P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashish Giri, Advocate.

For the Opposite Party : Mr.Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 302 and 504 of the IPC.

The prosecution story, in brief, is that on 11.10.2019 at about 7.30 P.M. on the occasion of coming of '*Mahavir Akhara*' informant's father, Nand Kishore Yadav and his brother were playing '*Daga*' at the door step of the house where F.I.R.



named accused persons including the petitioner came with sticks, farsa and swords and assaulted his father with sticks and weapons. When Amarjeet Yadav came to save them he was also assaulted by Umesh Yadav and Sunil Yadav @ Bhola Yadav. Thereafter, they fled away. The father of the informant was taken to Hathua Hospital, where the doctor declared him as brought dead.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. Neither any specific overt act is alleged against the petitioner nor any specific injury is attributed against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.C.J.M.-



XIII, Gopalganj, in connection with Phulwariya P.S. Case No. 198 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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