

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5945 of 2020**

Arising Out of PS. Case No.-8 Year-2019 Thana- BABUBARHI District- Madhubani

1. BILTU YADAV Son of Late Mansi Yadav Resident of Village - Bhatchaura, P.S.- Babubarhi, District - Madhubani.
2. Ram Sewak Yadav @ Ram Sevak Yada Son of Biltu Yadav Resident of Village - Bhatchaura, P.S.- Babubarhi, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-07-2020 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

Since petitioner no. 1 has already been arrested, this application on his behalf is been rendered infructuous and petitioner no. 2, in the present case, is seeking anticipatory bail in connection with Babubarhi P.S. Case No. 08 of 2019 registered for the offences under Sections 341, 323, 324, 326, 307, 354, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioner no. 2 submits that this petitioner is not named in the First Information Report, the informant is an eye witness and she has specifically stated that the co-accused Krishna Kumar Yadav @ Kishan Yadav had given a knife blow to the husband of the informant. Learned



counsel submits that the name of this petitioner has been brought in course of investigation but no overt act has been alleged against him and the co-accused similarly situated have been granted privilege of anticipatory bail and even F.I.R. named accused has been granted privilege of anticipatory bail in Cr. Misc. No. 45453/2019. These facts are duly mentioned in the impugned order.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner no. 2.

Considering the facts and circumstances of the case wherein this petitioner no. 2 is not named in the F.I.R. and no overt act has been alleged against him as also that similarly situated co-accused has been granted privilege of anticipatory bail, let the petitioner no. 2 above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Babubarhi P.S. Case No. 08 of 2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III, Madhubani, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

