

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8133 of 2020**

Arising Out of PS. Case No.-342 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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MAHENDRA YADAV @ MAHENDER YADAV Son of Late Bhadai Yadav
@ Bhadai Yadav Resident of Village - Mishrauliya, 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.Vinay Kumar Mishra
For the Opposite Party/s :	Mrs. Anita Kumari Singh
	Mr.Nityanand

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 18-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Darbhanga Sadar P.S. Case No. 342 of 2019 for the offence registered under Sections 147, 148, 149, 323, 325 and 302 of the Indian Penal Code.

The case of the prosecution in brief is that the Police got information that a thief was being assaulted by some persons



whereafter the police had reached at the place of occurrence and found a person lying in an unconscious condition. Upon enquiry the police came to know that the accused persons including the petitioner herein had brutally assaulted the injured who later on succumbed to his injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that similarly situated co-accused person has already been the privilege of anticipatory bail by an order dated 19.12.2019 passed by a coordinate Bench of this Court in Criminal Misc. No. 77638 of 2019. It is further submitted that there is no eye witness to the occurrence and the petitioner has been roped in the present case merely on suspicion.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent, he has been roped in the present case merely on suspicion and moreover similarly situated co-accused person has already been granted the privilege of anticipatory



bail by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, 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 Darbhanga P.S. Case No. 342 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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