

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85179 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- LADANIA District- Madhubani

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MANISH KUMAR YADAV @ MANISH YADAV Son of Late Vishweshwar
Yadav Resident of Village - Bellahi, P.S.- Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH ITS DIRECTOR GENERAL OF
POLICE, POLICE HEAD QUARTER Sardar Patel Bhawan, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Ganguli

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 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 as also the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Ladaniya P.S. Case No. 120 of 2019 for the offence registered under Sections 147, 148, 341, 323, 307, 353, 436, 379 and 511 of the Indian Penal Code.

The case of the prosecution in brief is that two soldiers were posted on O.P. duty in the Indian territory and at about 7:45, some villagers came to O.P. post and said that one dead



body was lying near the river, whereafter information was given to Jallon border post and to the Piprahi Company In-Charge. Thereafter some people from the village had gathered at the said place and had alleged that the S.S.B. personnels had killed the deceased persons whereafter a mob had attacked the soldiers present there and had tried to lit the O.P. post on fire.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled by the prosecution, however, no specific overt act has been alleged qua the petitioner herein. It is also submitted that the deceased is the father of the petitioner and for that a case has been lodged by the petitioner bearing Ladaniya P.S. Case No. 119 of 2019 dated 07.07.2019, which is prior to the present case i.e. Ladaniya P.S. Case No. 120 of 2019.

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 there is no allegation of the petitioner having engaged in any sort of overt



act and moreover he is having a clean antecedent apart from the fact that the dead body of his father has been recovered on the alleged date and time of the occurrence, 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, Madhubani in connection with Ladaniya P.S. Case No. 120 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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