

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85045 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- DULHIN BAZAR District- Patna

1. JATU YADAV @ JATU LAL YADAV Son of Late Dharma Yadav Resident of Village - Sarkuna, P.S.- Dulhin Bazar, District - Patna.
2. Randhir Kumar Son of Late Kapildeo Yadav Resident of Village - Sarkuna, P.S.- Dulhin Bazar, District - Patna.
3. Siya Ram Son of Lakhan Yadav @ Lekhan Yadav Resident of Village - Sarkuna, P.S.- Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dulhin Bazar PS case no. 123 of 2019 registered for the offences punishable under Sections 147, 148, 149, 353, 323, 307, 188, 337, 427, 171(F), 332 of Indian Penal Code and 132, 136 of R.P. Act.

The allegation according to the informant namely Nirbhay Kr. Singh, who at the time of occurrence, was the Assistant in Directorate of Agriculture, Bihar Government, Patna and was deputed as Presiding Officer of polling booth no. 102 in vill-Paliganj on 19.05.2019, the day on which the election had



taken place, is that the accused persons had reached at the said polling booth and had created commotion and upon alarm being raised, the co-accused person namely Yash Kumar was apprehended, whereupon he had disclosed the name of 10 persons including those of the petitioners herein as the persons who were indulging in creating nuisance at the polling booth. It is further alleged that the said accused persons had subsequently succeeded in freeing the said co-accused Yash Kumar from the custody of the police. It has been further alleged that the accused persons had obstructed the public servant in discharge of their official duties.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case merely on suspicion, inasmuch as their names had transpired in the present case upon confessional statement made by the co-accused person namely Yash Kumar. It is further submitted that as far as petitioner no. 3 is concerned, he is having a clean antecedent, however against the petitioners no. 1 and 2, some other cases are pending, nonetheless they are on bail in the said cases. It is further submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2019 passed in Cr. Misc. no. 59983 of 2019. Lastly, it is submitted that the petitioners are ready to abide by such conditions



as may be deemed fit and proper to be imposed by this Court.

Having regard to the facts and circumstance of the case and considering the submissions made by the learned counsel for the petitioners, I deem it fit and appropriate to enlarge the abovenamed petitioners on anticipatory bail, subject to them depositing a sum of Rs. 10,000/- each before the Nazarat of the Civil Court at Danapur.

Accordingly, it is directed that immediately upon the petitioners depositing a sum of Rs. 10,000/- with the Nazarat of the Civil Court at Danapur and producing the receipt thereof before the learned court below, they would be enlarged on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3rd, Danapur, Patna in connection with Dulhin Bazar PS case no. 123 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

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

