

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16172 of 2021

Arising Out of PS. Case No.-499 Year-2020 Thana- BANKA District- Banka

1. JEETAN YADAV
2. CHHOTU YADAV, Both S/O BALDEV YADAV, R/O VILLAGE-
BHADARIYA, P.S - BANKA, DISTRICT - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. RANJAN KUMAR JHA, Advocate
Mr. VIKAS KUMAR, Advocate
Mr. RAJ BALLABH SINGH, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 342,
302/34 of the Indian Penal Code read with Section 7(c) of the
Protection from Lynching Act, 2017.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

The informant alleges that he got information that his
son is being assaulted, after being tied, in the house of
Kishundeo Yadav, he reached the place of occurrence and saw



the named accused persons, including the petitioners, assaulting his son. It is alleged that his son died at the spot on account of assault and the reason for the occurrence was that the wife of Kishundeo Yadav was having illicit relation with the deceased.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that though the informant claims to be the eyewitness to the occurrence but from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence or else he would have specifically alleged who was assaulting the deceased when the allegation of assault is general and omnibus in nature. It is next submitted that the dispute on account of which the present occurrence took place was that Kishundeo Yadav was having an apprehension that his wife was in illicit relationship with the deceased, as such, he was the person who might having grudge against the deceased. It is next submitted that petitioners are not even related to Kishundeo Yadav, as such, there was absolutely no occasion for the petitioners to commit the occurrence. It is further submitted that since the petitioners were keeping a neutral stand and their house is near the house of Kishundeo Yadav, as such, they have been falsely implicated. It is next



submitted that Kishundeo Yadav and his wife Lalita Devi have been granted regular bail vide order dated 27.08.2021 passed in Cr. Misc. No. 6295 of 2020. Learned counsel submits that no doubt Kishundeo Yadav has been granted regular bail but the thrust of the allegation in the FIR was against him. It is further submitted that since allegation of assault is general and omnibus in nature, no useful purpose would be served by sending the petitioners to jail who are persons with clean antecedent and not related to Kishundeo Yadav.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that Kishundeo Yadav and his wife have been granted regular bail and the thrust of the allegation in the FIR was against them.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Banka
P.S. Case No. 499 of 2020, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

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

