

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30947 of 2021

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

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1. KAILU YADAV SON OF JAGESHWAR YADAV R/O VILLAGE- BHADARIA, P.S.- BANKA, DISTRICT- BANKA.
 2. SHIBU YADAV SON OF KAILU YADAV R/O VILLAGE- BHADARIA, P.S.- BANKA, DISTRICT- BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-08-2022 By order dated 01.11.2021, prayer for anticipatory
bail of petitioner no. 1 has already been dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and
learned A.P.P. for the State.

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

The petitioner no. 2 apprehends his arrest in a case
registered for the offences punishable under Sections 341, 342,
302/34 of the Indian Penal Code and Section 7(C) of the
Protection from Lynching Act, 2017.

Learned counsel for the petitioner no. 2 submits that
petitioner no. 2 is a person with clean antecedent.

From bare perusal of the allegation as alleged in the



FIR, it would manifest that the informant informed by the villagers that Kishundeo Yadav along with others were beating his son for the reason that the son of the informant was having illicit relationship with the wife of Kishundeo Yadav. Further, when the informant reached at the place of occurrence, he saw the accused persons including the petitioner no. 2 assaulting his son and on account of assault he died.

Learned counsel for the petitioner no. 2 submits that during the course of investigation nothing has come which even remotely connect the petitioner no. 2 with the offence or suggest his involvement in the occurrence. It is also submitted that the deceased had illicit relationship with the wife of Kishandeo Yadav, as such, the petitioner no. 2 was not having any grievance with the deceased. It is next submitted that it were the villagers who informed the informant that his son was being assaulted and thereafter it is alleged that the informant reached the place of occurrence and saw the accused persons assaulting his son. Learned counsel submits that it does not appear probable that by the time informant would have reached all the accused persons would have continued with the assault. It is next submitted that petitioner no. 2 is a young boy of 23 years of age and has clean antecedent and the allegation of assault is also



not specific but is general and omnibus in nature and during the course of investigation there is no eyewitness to the occurrence. Learned counsel, thus, submits that the allegation as alleged by the informant does not inspire confidence as the informant alleges in the FIR that the villagers informed him about the occurrence. It is, thus, submitted that such information would have been given to the informant only after someone would have witnessed the occurrence but during the course of investigation no such witness has come forward to justify that they had seen the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2 but is not able to meet the submission of the learned counsel for the petitioner no. 2 after going through the case diary that during the course of investigation nothing has come to connect the petitioner no. 2 with the offence.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his 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) 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)

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