

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23663 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- MUFFASIL District- Aurangabad

1. JITENDRA KUMAR SON OF BRAHMDEV YADAV R/O- VILLAGE- VISENI, P.S.- MUFASSIL, DISTRICT-AURANGABAD, BIHAR
2. LALLU YADAV @ LALU YADAV SON OF LATE FAUDAR YADAV R/O- VILLAGE- VISENI, P.S.- MUFASSIL, DISTRICT-AURANGABAD, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR THE ADVOCATE GENERAL, BIHAR, PATNA
HIGH COURT

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mrs. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.2, as he has been apprehended by the police during pendency of this application.

Permission is granted.

Accordingly, the instant application as against petitioner



no.2 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.1 only.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 143, 144, 145, 171(F), 186, 188, 447, 448, 323, 332, 333, 337, 338, 353, 307, 504, 506 of IPC and section 130, 131, 132 of Representation of People Act.

Allegedly, a scuffle took place at election booth during Mukhiya election and in consequence thereof, the accused persons including the petitioner started pelting stones over the police personnel as a result of which, two police constables sustained injuries.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. he has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Similarly situated co-accused persons have been granted bail by co-ordinate bench of this court vide order dated 08.04.2022 in Cr. Misc. No. 15422 of 2022 and vide order dated



04.02.2022 in Cr. Misc. No.2785 of 2022. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused persons have been granted bail, let the above named petitioner no.1 be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Mufassil P.S. Case No.236 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

shikha/-

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

