

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36001 of 2021

Arising Out of PS. Case No.-272 Year-2020 Thana- BAHERI District- Darbhanga

1. MITHLESH YADAV @ MITHU YADAV Son of Raj Kumar Yadav
Resident of Village - Amata, P.S. Baheri, District - Darbhanga.
2. RAM NATH YADAV Son of Uttim Yadav Resident of Village - Amata, P.S.
Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate
		Mr. Manish Kumar Singh, Advocate
	:	Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Baidya Nath Prasad, Advocate
		Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners, at the outset,
seeks permission to withdraw the present anticipatory bail
application with respect to petitioner no.1 Mithlesh Yadav @
Mithu Yadav.

Permission is accorded.

The petitioner no.2 apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 354(B), 325, 580, 504 and 307 of the Indian
Penal Code.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that the accused persons, excluding the petitioner, were behaving inappropriately with his cousin sister and when the same was objected by his grandmother, the named accused persons assaulted her as detailed in the F.I.R., it is next alleged that the accused who misbehaved inappropriately with the cousin sister of the informant were drunk and when the grandmother of the informant raised alarm, the accused persons fled away. Thereafter the rest of the accused persons, including the petitioner, came to the house of the informant and assaulted the informant and other family members, this petitioner assaulted the informant with *khanti* on his head causing injury.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the allegation is in two parts; the first part relates to inappropriate behavior by the named accused persons with the cousin sister of the informant and when the same was objected by the grandmother of the informant, she was assaulted brutally. It is next submitted that once the grandmother and the sister of the informant came back home, as they had gone to attend nature's call, where was the occasion for the rest of the



accused to come to the house of the informant and commit the occurrence. Learned counsel further submits that no doubt there is allegation against this petitioner of assaulting the informant on head by *khanti* but the same has been alleged only to coerce the family into submission so that the side of the petitioner does not pursue with Baheri P.S. Case No. 271 of 2020. It is next submitted that it absolutely does not stand to reason that a person who is now 68 years of age has remained clean throughout, all of a sudden becomes a criminal and assaults in the manner as it has been alleged in the F.I.R. Learned counsel at the cost of repetition submits that the present petitioner has been implicated only with a view to coerce the side of the petitioner into submission not to pursue Baheri P.S. Case No. 271 of 2020.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that there is specific allegation of assault against this petitioner by *khanti* on the head of the informant but is not able to meet the submission of the learned counsel for the petitioner that the allegation is in two parts and till the age of 68 years petitioner has remained a person with clean antecedent and all of a sudden



has become a criminal.

Considering the submissions made by the learned counsel for the petitioner and taking into account the age of petitioner no.2, the petitioner no.2, 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 Baheri P.S. Case No. 272 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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