

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43342 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Dayanand Yadav Son of Late Ghoghal Yadav @ Lakhani Yadav Resident of
Village-Mirhatti, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-01-2022 Heard learned counsel for the petitioner and Shri
Mithlesh Kumar Khare, learned A.P.P. for the State through
virtual Court proceedings.

The petitioner seeks bail in connection with Sultanganj
P.S. Case No. 39 of 2021 instituted for the offences under Sections
302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.02.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that on 19.02.2021 there was an
altercation between two groups regarding immersion of Goddess
Saraswati idol and altercation between the two groups led to free
fight and husband of the informant died on account of assault.

Learned counsel for the petitioner submits that from



perusal of the allegation it would manifest that there was a free fight between two groups on account of dispute leading to immersion of Goddess Saraswati idol, no specific overt act has been alleged against this petitioner of assaulting the husband of the informant. It is further submitted that a counter case being Sultanganj P.S. Case No. 40 of 2021 has also been instituted and the F.I.R. is against thirteen named accused persons and fifteen-twenty unknown persons. It is submitted that since there is no specific allegation of assault against this petitioner, as such the petitioner deserves to be enlarged on bail.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 20.02.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and no specific overt act has been alleged against him, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Bhagalpur in connection with Sultanganj P.S. Case No. 39 of 2021.

(Satyavrat Verma, J)

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