

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 50557 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- MADANPUR District- Aurangabad

ARIVINDRA YADAD @ ARIVINDRA YADAV @ ARVIND YADAV S/o
Musafir Yadav R/o village- Sinduara, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar, Advocate

For the Opposite Party/s : Mr Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Madanpur Police Station (for brevity, *PS*) Case No 108 of 2020, GR No 874 of 2020 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 354A, 379, 448, 427, 325, 307 of Indian Penal Code and Sections 3/4/5 of Dayan Act.

Informant's father was being blamed by one of the co-accused persons as being responsible for death of his daughter which was caused by practicing black magic by the said Vijay Prasad, father of the informant. Under such circumstances, it is alleged that 17 persons, including the petitioner, have entered



the informant's house, variously armed, and indulged in assault.

Learned counsel for the petitioner submits that specific assault upon father of informant, is alleged against co-accused Harinandan and Harinath, Harinath, Vishwanath, Jairam and Ravinath, thereafter, have assaulted informant's brother Gajendra Prasad, causing injury on his head. Other co-accused, namely, Umesh Ram, Satendra Rai, Abhishek Yadav and Manu Yadav have allegedly misbehaved with the women and there is allegation of snatching gold chain against co-accused Satendra Rai. There is no allegation of any overt act against the petitioner and, at best, he is a member of the unlawful assembly. It is submitted that the petitioner has a criminal antecedent in Madanpur PS Case No 111 of 2020 and for such reason, he has been implicated in this case. Other co-accused persons Harinandan Yadav, Rajnath Yadav and Harinath Yadav have been allowed anticipatory bail by this Court in Cr Misc No 38947 of 2021. Co-accused Binod Ram, Satendra Ram, Ramnandan Ram and Umesh Ram have also been allowed anticipatory bail by this Court in Cr Misc No 48895 of 2021. The petitioner is stated to be in custody since 10.05.2021.

The learned APP has opposed the prayer for bail.

Having regard to the petitioner's claim, based on



parity with the other co-accused persons, who have been allowed anticipatory bail by this Court, in respect of which it is submitted that the petitioner's case is on a better footing, this Court is inclined to accept the submission of the petitioner's counsel for the purposes of grant of bail.

Having regard to the aforesaid facts and period of custody, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in Madanpur PS Case No 108 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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