

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59637 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- SUIYA District- Banka

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1. Lalu Yadav S/O Late Tribeni Yadav R/O Village-Tonapathar, P.S-Suiya, District-Banka.
 2. Kamlesh Yadav S/O Lalu Yadav R/O Village-Tonapathar, P.S-Suiya, District-Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-07-2022 At the outset, learned counsel for the petitioner seeks permission to withdraw this anticipatory bail petition with regard to petitioner no. 2 Kamlesh Yadav, as during pendency of this case, petitioner no. 2 has already been arrested.

Prayer is allowed. The anticipatory bail petition with regard to Kamlesh Yadav petitioner no. 2 is dismissed as withdrawn having become infructuous.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in Suiya P.S. Case No. 39 of 2021, registered for the offences punishable under



Section 307 and other allied sections of the Indian Penal Code.

Prosecution case in brief is that all the FIR named accused persons including petitioners are alleged to have assaulted the informant's father with bamboo stick and lathi on his head, as a result of which he became unconscious.

It is submitted that petitioner has been falsely implicated in this case due to malafide intention due to old enmity. Alleged occurrence is said to have taken place on 11.05.2021, but the FIR has been lodged after lapse of more than two months. FIR was lodged on 11.05.2021 without any plausible explanation for the delay. Allegation is general and omnibus and no specific overt act has been alleged against petitioner. Petitioner has got clean antecedents.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Banka in connection with Suiya P.S. Case No. 39 of 2021, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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