

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59639 of 2021

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

1. PAWAN YADAV Son of Ashok Yadav Resident of Village - Mirhatti, P.s.- Sultanganj, Distt.- Bhagalpur.
2. MITHUN YADAV Son of Kamo Yadav Resident of Village - Mirhatti, P.s.- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioners and the State.

The petitioners seek pre- arrest bail in Sultanganj P.S. Case No. 39 of 2021, registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 19.02.2021 at about 7:00 PM, two groups of people of Yadav Tola and Mandal Tola went for idol immersion and consequently, there was some altercation between the parties and a free-fight took place between them, and in the said incident, husband of the informant received injury and died. Thereafter, an F.I.R. was lodged against 13 named persons, which includes these petitioners, and 15-20 unknown persons.

It is submitted on behalf of the petitioners that



though, petitioners are named in the F.I.R., but there is no specific allegation of assault against them. There is general and omnibus allegation. As per F.I.R. itself, in course of idol immersion, there was a general maarpit from both sides by lathi and danda, as a result of which, the husband of the informant died. Petitioners have got clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the pre- arrest bail petition of petitioners is allowed. Let the above named petitioners in the event of their arrest/ surrender before the court below within a period of six weeks from today be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Bhagalpur in connection with Sultanganj P.S. Case No. 39 of 2021, subject to conditions as laid down u/s 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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