

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58827 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- MUFFASIL District- Aurangabad

LALLU YADAV @LALU YADAV S/o Late Faudar Yadav Resident of
Village- Bisaini, Kapasia, P.S.- Aurangabad Mufassil, District- Aurangabad
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Aurangabad Mufassil P.S. Case No. 236 of 2021 for the offence
registered under Sections 143, 144, 145, 171F, 186, 188, 447,
448, 323, 332, 333, 337, 338, 307, 353, 504 and 506 of the
Indian Penal Code and Sections 130, 131 and 132 of the
Representation of People's Act, 1951.

The case of the prosecution, in brief, is that a scuffle
had taken place at the election booth in question on the alleged
date and time of occurrence, during the course of Mukhiya
election, whereafter the accused persons including the petitioner
herein had started pelting stones on the police personnel
resulting in the police personnel sustaining injuries.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 02.08.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in one another case but he has already been granted anticipatory bail in the said case. It is also submitted that similarly situated co-accused person has already been granted anticipatory bail by a Co-ordinate Bench of this court vide order dated 30.08.2022 passed in Criminal Miscellaneous Case No. 23663 of 2022. Lastly, it is submitted that though the petitioner alongwith one another co-accused person namely Jitendra Kumar had applied for grant of anticipatory bail before this Court, however, since the petitioner had stood arrested during the interregnum period, the other person namely Jitendra Kumar was granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 30.08.2022 passed in Criminal Misc. No. 23663 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available



on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted anticipatory bail, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Mufassil P.S. Case No. 236 of 2021.

(Mohit Kumar Shah, J)

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