

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14849 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- BHAGWANPUR District- Vaishali

RAM NATH YADAV @ RAM NATH RAI S/o Nagdev Rai @ Nagi Rai @
Nagendra Sah R/o Village- Kiratpur Raja Ram, P.S.- Bhagwanpur, Distt-
Vaishali at Hajipur (Bihar). Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard Mr. Rakesh Kumar, learned counsel for the

petitioner duly assisted by Mr. Subodh Kumar and Mr. Satya

Nand Shukla, learned APP.

The petitioner is apprehending his arrest in connection
with Bhagwanpur P.S. Case No 168 of 2022 for the offence
under Sections 302, 34, 341, 447 and 504 of the I.P.C. lodged on
10.07.2022 by the informant Shambhu Rai.

The prosecution story, in brief, is that On 09.07.2022,
Subodh Rai, Sonu Kumar, Shekhar Rai, Vikas Kumar, Mukesh
Kumar, Pappu Rai, Harlal Rai, Dharmendra, Vijay Kumar,
Ramnath Rai, Rakesh Kumar, Mukesh Kumar and ten unknown
persons armed variously came to the informer's door and after
abusing, surrounded all the persons and started hitting them with
rods, sticks, iron picks and sticks. His son Bhayesh Kumar aged



about 18 years fell on the ground but the accuseds continued with the assault causing death on the spot. When the villagers came, all the accused ran away. The injured persons were taken by the villagers to the Primary Health Center, Bhagwanpur for treatment, where after first aid, seeing the seriousness of the situation, they were referred to Sadar Hospital Hajipur, where doctors declared him dead. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that although there is unfortunate death/killing, omnibus allegation has been made against accused person and in a zeal to rope in everyone, twelve known and ten unknown persons have been implicated. Further, submission is that after the death, the inquest followed by post-mortem took place and only thereafter the F.I.R. was lodged giving sufficient time to name even those who were not present at the place of occurrence.

The last submission is that there is a counter version to the said case and so far as this petitioner is concerned, he is not related to either of the two sides.

Learned counsel for the informant submit that allegation is of killing, the victim died on the spot itself and allegation amongst other is on the petitioner herein.

Learned APP also support the prosecution theory.



Taking into account the fact that there is a case and counter case, omnibus allegation is there against dozens of accused persons, although as rightly pointed out by the learned counsel for the petitioner that there has been unfortunate death, considering the fact that the no specific role has been assigned to the petitioner and/or as per para 9, he is not related to either of the party, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Judicial Magistrate, 1st, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 168 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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