

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.13383 of 2023**

Arising Out of PS. Case No.-319 Year-2019 Thana- SAHEBPUR KAMAL District-  
Begusarai

=====

MITHUN KUMAR @ MITHUN YADAV Son of Raghubanshi Yadav R/v-  
Kharhat, P.S.- Sahpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Nagendra Kumar, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      22-05-2023                      Heard learned counsel for the petitioner and the  
  
learned APP for the State

The petitioner apprehends his arrest in connection  
with Sahpur Kamal P.S. Case No.319 of 2019 instituted under  
Sections 452, 341, 323, 324, 387, 379, 504, 506, 34 of the  
Indian Penal Code lodged on 29.10.2019 by the informant  
Jateshwar Yadav.

As per the prosecution story, in the morning all the  
accused persons including the petitioner variously armed came  
at the door of the informant and started abusing him and when  
he resisted then it is alleged that co-accused Ramakant Yadav



assaulted with farsa on the head of the informant as a result of which he sustained head injury and fell down, thereafter all the accused persons assaulted him with lathi, danda and fists. They also assaulted the son of the informant when he came to his rescue and they including the petitioner demand ransom and snatched Rs.5000/- from the pocket of the petitioner. Accordingly, the FIR.

Learned counsel for the petitioner submit that main allegation is against Ramakant Yadav of assaulting the informant whereas regarding other omnibus allegation is there. Further, by way of Annexure-3, it has been brought on record that similar placed co-accused have since been extended the privilege of anticipatory bail.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that there is omnibus allegation against the petitioner, the main allegation is against Ramakant Yadav and some of the similarly placed co-accused as stated above have been granted relief, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with S. Kamal P.S. Case No.319 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial court itself;

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

(v) 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;

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

**(Rajiv Roy, J)**

Prakash Narayan /  
Sunil

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