

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16256 of 2023**

Arising Out of PS. Case No.-386 Year-2022 Thana- MANSI District- Khagaria

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LALAN YADAV, Male, aged about 21 years, SON OF RAM YADAV,  
Resident of village - Chukti, P.S. - Mansi, Distt. - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Bharat Bhushan, Advocate

For the Opposite Party : Mrs. Pronoti Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2      10-05-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Mansi P.S. Case No. 386 of 2022 for the offence registered under Sections 341, 323, 307, 393, 504/34 of the I.P.C. and 37 of the of the Bihar Prohibition and Excise Act, 2022.

The prosecution story, in brief, is that on 29.10.2022 at about 11.00 A.M. in Chukti situated near the court, some the Bicycle of the informant's son, namely, Suman Kumar, was snatching and he was also assaulting.



On information, when the informant went to pacify the matter then the informant and her son Vivek Kumar was assaulted with Lathi and Danda and abused by filthy language and also threatened on the point of pistol. In the alleged occurrence, Prince Kumar, Ranjesh Kumar and Lalan Yadav (petitioner) and eight unknown persons having Lathi-Danda and pistol in their hands were involved and they were in drunken state. They gave threatening to kill the entire family of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. No recovery of any liquor has been made in the present case. As far as offence under Section 307 of the I.P.C. is concerned, same is not attracted in the present case. Nature of injury is said to be simple. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. It is further alleged that the accused persons including the petitioner was in drunken state. It is further



submitted that no breath analyzer test was conducted in respect of the petitioner to prove that the petitioner was in drunken state. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Court below/concerned Court, in connection with Mansi P.S. Case No. 386 of 2022, subject



to the conditions as laid down under Section 438(2) of the  
Code of Criminal Procedure.

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(Sudhir Singh, J)

