

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25403 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

1. MUKESH YADAV @ MUKESH KUMAR YADAV Son of Shiv Lal Yadav Resident of Village - Kathana Mohanpur, P.S.- Bhairavasthan, District - Madhubani.
2. Hareram Yadav Son of Late Narayan Yadav Resident of Village - Kathana Mohanpur, P.S.- Bhairavasthan, District - Madhubani.
3. Gangaram Yadav Son of Late Narayan Yadav Resident of Village - Kathana Mohanpur, P.S.- Bhairavasthan, District - Madhubani.
4. Sunil Yadav Son of Sri Hareram Yadav Resident of Village - Kathana Mohanpur, P.S.- Bhairavasthan, District - Madhubani.
5. Mithilesh Yadav @ Mithlesh Yadav Son of Late Yugal Yadav Resident of Village - Kathana Mohanpur, P.S.- Bhairavasthan, District - Madhubani.
6. Bishundeo Yadav @ Bishandeo Yadav Son of Jhagru Yadav Resident of Village - Kathana Mohanpur, P.S.- Bhairavasthan, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Bhairavasthan PS Case No. 92 of 2022, registered for the offence punishable under Sections 341, 323, 354A, 324, 307, 379, 380, 448, 504/34 of the Indian Penal Code.

The informant, as per FIR, is on hostile terms with the accused persons, who had supported Laxmi Yadav's group in the *Mukhiya* election. The informant was supporter of Lalu



Yadav. On such premise, it is alleged that on the fateful day, all the accused persons have indiscriminately assaulted the informant and his father as also brother of the informant viz., Raja Yadav.

Learned counsel for the petitioners, referring to the allegations in the FIR, submits that due to subsisting political rivalry, the petitioners have been implicated in this case along with other co-accused Laxmi Yadav, Ram Sevak Yadav and Bindesh Yadav who have been assigned active participation and overt act of assault. No specific assault has been attributed to the petitioners. The petitioner nos. 1 and 2 are earlier accused in Bhairavasthan P.S. Case No. 145 of 2021 whereas, petitioner nos. 3 to 6 have no antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of allegations and the premise in which the same has been levelled as also the fact that assault has been attributed against other co-accused persons by name, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.



Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1st Jhunjharpur, Dist. Madhubani, in connection with Bhairavasthan PS Case No. 92 of 2022, GR No. 843 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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