

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26565 of 2023

Arising Out of PS. Case No.-74 Year-2020 Thana- MANIGACHI District- Darbhanga

Radhakant Yadav Son of Mukeshwar Yadav Resident of village -
Chakchintamanipur, P.S. - Mani Gachhi (Bajitpur O.P.), Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Manigachhi P.S. Case No.74 of 2020, registered for offences under Sections 147, 148, 149, 504, 506, 302 & 120-B of the IPC and Section 27 of the Arms Act.

The allegation is regarding 40-50 persons, including the petitioner herein having arrived at the door of the house of the petitioner on the alleged date and time of occurrence, whereafter they had asked the informant about the whereabouts of his father, and then the accused



persons had started firing in air and when the brother-in-law of the informant, namely, Shankar Yadav had intervened, co-accused person, namely, Kaushalendra Yadav had fired from his pistol on his head, resulting in his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case in which he is on bail. The learned counsel for the petitioner has also submitted that as far as the petitioner is concerned, the police, after investigation, had found the case to be untrue and submitted a final form qua the petitioner and four other co-accused persons, however, the learned Trial Court has differed from the same and taken cognizance of the offences alleged, as against the petitioner and the said four other co-accused persons. It is further submitted that the petitioner has not been alleged to have engaged in any specific overtact, apart from being



a member of an unlawful assembly and the main assailant is one co-accused person, namely, Kaushalendra Yadav, who had shot dead the brother-in-law of the informant, namely, Shankar Yadav, hence the petitioner is not having any complicity in the alleged crime.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have engaged in any sort of overtact and the main accused person is one co-accused person, namely, Kaushalendra Yadav, who is stated to have shot dead the brother-in-law of the informant, namely, Shankar Yadav, apart from the fact that as per statement made in paragraph no.12 of the present petition, several similarly situated co-accused persons have already been granted the privilege of



bail by this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Darbhanga in connection with Manigachhi P.S. Case No.74 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

kanchan/-

U		T	
---	--	---	--

