

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37092 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- MURLIGANJ District- Madhepura

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SANJAY YADAV SON OF LATE KHUSHI LAL YADAV RESIDENT OF
VILLAGE - RAHIKATOLA, MURLIGANJ, WARD NO.8, P.S. -
MURLIGANJ, DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Murliganj Police Station Case No. 362 of 2022,
dated 07.08.2022, disclosing offences under Sections
341/323/324/307/302/354/379/504/506/34 of the Indian Penal
Code.

The prosecution case, on the basis of the First
Information Report, is that when the informant obstructed the
accused persons from demolishing the tin structure constructed
by the informant on his own land, the accused persons,
including the petitioner, abused and assaulted him by means of
khanti causing injury near the cheek and when brother-in-law of



the informant, namely, Suresh Yadav, intervened in the matter, co-accused Umesh Yadav and Santosh Yadav assaulted him by means of spade causing injury on his head due to which he died in hospital, during the treatment.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and from perusal of the First Information Report it would be evident that the occurrence has taken place due to land dispute between the parties. He further submits that the petitioner is not one of the assailants of the deceased, who has been assaulted by the co-accused Umesh Yadav and Santosh Yadav.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the occurrence has taken place due to land dispute, the petitioner is not one of the assailants of the deceased and he has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-I,
Madhepura, in connection with Murliganj Police Station Case
No. 362 of 2022, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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