

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37597 of 2023

Arising Out of PS. Case No.-178 Year-2021 Thana- BENIPATTI District- Madhubani

1. Dabloo Kumar Yadav @ Dabloo Yadav, Son of Uttim Lal Yadav, Resident of village - Khahgraitha, P.S. - Bisfi (Patauna), Distt. - Madhubani
2. Rubi Devi, Wife of Hari Yadav @ Hari Prasad Yadav, Resident of village - Khahgraitha, P.S. - Bisfi (Patauna), Distt. - Madhubani
3. Hari Yadav @ Hari Prasad Yadav, Son of Hukum Deo Yadav, Resident of village - Khahgraitha, P.S. - Bisfi (Patauna), Distt. - Madhubani
4. Hukum Deo Yadav, Son of Late Amiri Lal Yadav, Resident of village - Khahgraitha, P.S. - Bisfi (Patauna), Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Gagan Deo Yadav, Advocate Mr.Vinod Kumar, Advocate Mr.Ravi Prakash, Advocate Mr.Udeshya Kr. Yadav, Advocate Mr.Rajesh Kumar, Advocate
For the Opposite Party/s :		Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 28-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.
2. The petitioners are apprehending their arrest in connection with Benipatti P.S. Case No. 178 of 2021 registered for offence under Sections 306 and 120B of Indian Penal Code.
3. As per prosecution case, the informant, a police personnel, has learned about a dead body hanging from a tree, when he has reached the *Manog* orchid of Vinod Yadav to find the body hanging. He has been informed that some accused



persons had assaulted the victim and as a result of such beating, he was frustrated and has committed suicide.

4. It is submitted by learned counsel for the petitioners that as per FIR, it is obvious that petitioners' implication is based on a probable story narrated by some person whose veracity has not been ascertained. From the postmortem report, it is obvious that cause of death is due to hanging. Therefore, the entire prosecution case regarding brutal assault by the petitioners, which includes a female aged about 25 years, appears to be palpable false and based on extraneous considerations. The petitioners have no antecedents and are apprehending their arrest under such circumstances.

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

6. Considering the rival submissions, the cause of death as per postmortem report and the manner in which the petitioners have been implicated, as also clean antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Petitioners' prayer for anticipatory bail is allowed.

8. 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 A.C.J.M.-Ist, Benipatti, District- Madhubani, in connection with Benipatti P.S. Case No. 178 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the 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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