

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48475 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Shambhu Yadav @ Shambhu Kumar Yadav, Son Of Chandeshwar Yadav
Resident Of Village - Shivdaha 63, P.S. - Gayaghat, Distt. - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 302, 337, 338, 504, 506
of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that Barat of her brother-in-law's daughter
came from Darbhanga at 11.00 P.M. on 03.05.2023.
Accordingly, she along with her family members came to a
temple with the groom. It is next alleged that at that time,
another Barat of daughter of Raj Nandan Yadav also came, in
which the named accused persons including the petitioner were



dancing on the road, on which her husband asked Arun Yadav to clear the road on account of which, an altercation took place and the accused persons including the petitioner assaulted her husband brutally leading to his death.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that apart from petitioner being named in the F.I.R., no specific overt act has been alleged against him. It is also submitted that the altercation of her husband took place with Arun Yadav. It is next submitted that since allegation of assault is general and omnibus in nature against all accused persons that is no specific allegation is alleged against the petitioner, then would it be prudent to send the petitioner to jail, when admittedly he is a person with clean antecedent.

5. Learned A.P.P. opposes the anticipatory bail application, but is not in a position to rebut the submission of the learned counsel for the petitioner that no specific overt act has been alleged against the petitioner of assaulting the husband of the informant.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Juhi Sharma-2nd, the learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Gaighat P. S. Case No.171 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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