

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48338 of 2022

Arising Out of PS. Case No.-345 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. BINDESHWARI YADAV Son of Kailu Yadav R/V- Ramjanipur, P.S- Shivnarayanpur, Dist- Bhagalpur
2. Kamlu Yadav Son of Kailu Yadav R/V- Ramjanipur, P.S- Shivnarayanpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

4 22-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Kahalgaon P. S. Case No. 345 of 2022 registered for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons are alleged to have severely assaulted the husband of the informant and in course of treatment the husband



of the informant passed away on 20.04.2022.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The said occurrence is said to be taken place on 09.04.2022 but the F.I.R. was lodged on 21.04.2022 without giving any plausible reason. There is general and omnibus allegation against the petitioners. The name of the petitioners have been dragged in this case at the instance of their enemy. Learned counsel further submitted that the similarly situated co-accused persons have already been granted bail by co-ordinate Bench of this Court vide order dated 19.01.2023 passed in Cr. Misc. No. 68444 of 2022. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioners.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Bhagalpur in connection with Kahalgaon P. S. Case No. 345 of 2022, subject



to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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