

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55098 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- SHERGHATI District- Gaya

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Arun Yadav Son of Bhuneshwar Yadav R/V- Manjma, P.S- Sherghati, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Ms. Priya Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sherghati P.S. Case No. 37 of 2022 registered for the offences punishable under Sections 341, 323, 325 and 379 of the Indian Penal Code and Section 3/4 of Prevention of Witch Practices Act, 1999.

As per the prosecution, the informant and her son were assaulted by this petitioner and other co-accused person by means of *lathi, iron rod* etc. and this petitioner is also alleged to have snatched gold earrings of the informant.

The main submissions advanced by learned counsel for the petitioner are that FIR of the instant matter was lodged after the delay

of seven days from the alleged date of the occurrence, as per the FIR this petitioner and co-accused namely, Satyendra Yadav and Bhuneshwar Yadav were alleged to have assaulted the informant by means of *lathi*, *iron rod* and *bricks* and said co-accused persons were granted anticipatory bail by a coordinate bench of this Court vide order passed in Cr. Misc. No. 55233 of 2022 and the petitioner's case stands on better footing as he has been languishing in jail since 12.06.2022 and both the parties are agnates and on the alleged date and time of occurrence an incident of free fight took place between them and some persons from petitioner's side also sustained injury in that occurrence and the petitioner has fair and clean antecedent.

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

In view of the facts, as stated above and mainly considering the petitioner's custody period and nature of allegation appearing against him from the FIR and also the fact that two similarly situated co-accused persons are on anticipatory bail granted by a coordinate bench of this Court, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of concerned Court in connection with Sherghati P.S. Case No. 37 of 2022.

(Shailendra Singh, J)

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