

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57859 of 2023**

Arising Out of PS. Case No.-142 Year-2023 Thana- RAJNAGAR District- Madhubani

1. GUNANAND YADAV Son of Nathuni Yadav Resident of Village Sahua ward no. 39 (wrongly mentioned R/o village and P.S. in the FIR), P.S. Madhubani Town, District Madhubani
2. PANKAJ YADAV Son of Gunanand Yadav Resident of Village Sahua ward no. 39 (wrongly mentioned R/o village and P.S. in the FIR), P.S. Madhubani Town, District Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                             |
|----------------------|---|-----------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Gagandeo Yadav, Adv.<br>Mr. Ravi Prakash, Adv.<br>Mr. Rajesh Kumar, Adv. |
| For the State        | : | Mr.Nand Kishore Prasad, A.P.P.                                              |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      13-10-2023                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Raj Nagar P.S. Case No. 142 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 332, 333, 353, 307, 506, 504, 188, 171(F), 120(B) of the Indian Penal Code.

3. As per prosecution case, petitioners and others are alleged to have causing disturbance in the Mayor Election of Madhubani Nagar Nigam (election 2023). It is further alleged that local chaukidar is alleged to have identified them.



4. Learned counsel for the petitioners submits that petitioner no. 1 is candidate of Mayor of Madhubani Nagar Nigam (election - 2023) and petitioner no. 2 is son of petitioner no. 1. He further submits that there is no specific overt-act attributed against the petitioners. Though because of election rivalry, petitioner no. 1 has falsely been implicated in four cases in which he has been granted bail. Petitioner no. 2 bears no criminal antecedent. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners as the entire prosecution story is full of concoction and fabrication. He further submits that no body received injury. Petitioners are innocent and have committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, no specific overt-act attributed against the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Madhubani in connection with Raj Nagar P.S. Case No. 142 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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