

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64018 of 2022

Arising Out of PS. Case No.-52 Year-2020 Thana- LAUKAHI District- Madhubani

1. Shiv Shankar Yadav, S/o Surya Narayan Yadav, R/o Village- Piprahi, P.S.-
Laukahi, Distt- Madhubani.
2. Shailendra Yadav @ Shailen Yadav @ Shailendra Kumar Yadav, S/o
Satyadev Yadav, R/o Village- Piprahi, P.S.- Laukahi, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in Laukahi P.S.
Case No. 52 of 2020 registered for the offences punishable
under Sections 143, 341, 323, 379, 307, 504 & 506 of the Indian
Penal Code.

As per the prosecution case, on the alleged date and
time of occurrence while the informant was sitting at his shop,
the petitioners along with other co-accused persons in drunken
condition reached there and assaulted the informant and his
family members. The accused persons also snatched ornaments
of daughter-in-law of the informant.



It is submitted on behalf of the petitioners that specific allegation is against co-accused Jitendra Yadav. Petitioner no.1 is alleged to be only order giver. So far as petitioner no. 2 is concerned, there is no specific allegation against him and he has got clean antecedent.

Learned APP for the State opposed the bail application and submitted that there is specific allegation against petitioner no. 1 that firstly, he caught the victim by his Gamchha and thereafter, ordered to co-accused Jitendra Yadav to assault him by Farsa. Petitioner no.1 has two criminal antecedents also.

Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. Accordingly, his prayer for bail is rejected.

So far as the petitioner no.2 (Shailendra Yadav) is concerned, there is no specific overt act against him and he has got clean antecedent, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, he is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Laukahi P.S. Case



No. 52 of 2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

This application is accordingly disposed of.

(Prabhat Kumar Singh, J)

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