

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63947 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- BITHAN BAZAR District- Samastipur

LAL BAHADUR YADAV @ LAL BAHADUR RAI S/O SHRIJAL YADAV
Resident of village- Jagmohar, P.S.- Bithan, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023 Heard Mr. Abhimanyu Sharma, learned counsel for
the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Bithan P.S. Case No.111 of 2021 instituted under Sections 147, 148, 149 and 302 of the Indian Penal Code lodged on 27.07.2021 by the informant, Girish Kumar Nirala.

As per the prosecution story, the informant along with his son was going on his motorcycle and as soon as they reached near the house of one Smita Devi, the accused persons namely Mohan Yadav, Mulayam Yadav, Yechitmand Yadav, Vidyanand Yadav, Prishyam Yadav, Sadanand Yadav, Chandan Kumar, Nitya Nand Yadav, Jyoti Yadav, Lal Bahadur Yadav, Umesh Yadav, Ram Jivan Vidyarthi, Arup Yadav, Jitendra Yadav, Dharmendra Yadav, Pravin Yadav, Nand Kishore Yadav and



Hare Ram Yadav, armed with Iron Rod and Lathi surrounded the Informant and first of all the accused namely Nitya Nand Yadav assaulted the son of Informant namely Rohit Kumar, thereafter the other co accused persons indiscriminately assaulted his son and when Informant and one Jagdambi Yadav tried to pacify the matter, they were also assaulted by them. Thereafter the Informant brought his injured son to Begusarai for treatment with the help of his other family members and well wishers but as his condition deteriorated, was referred to PMCH, Patna but he died on way to Patna on 27.07.2021. Accordingly, the FIR.

Learned counsel for the petitioner submits that the main allegation is against Nityanand Yadav of giving iron rod blow to the informant's son who died thereafter. So far as the other accused persons are concerned, omnibus allegation is there.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account that the petitioner is 70 years of age, as stated in paragraph-13 of the petition, he do not have criminal antecedent, the main allegation is against Nityanand Yadav of giving iron rod blow to the informant's son who subsequently succumbed to injuries, there is omnibus allegation



against the others, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bithan P.S. Case No.111 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, I, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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