

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75049 of 2022

Arising out of PS. Case No.-2 Year-2022 Thana- SABAUR District- Bhagalpur

MITHLESH YADAV Son of Maheshwari Pd. Yadav R/v- Fatehpur, P.S-
Industrial Area, Dist-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sabour P.S. Case No. 02 of 2022, for the offence registered under Sections 147, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The allegation is that while the informant was going to Sabour for his work, the co-accused persons had forced him to sit on a motorcycle and when they had reached near the house of Pradeep Mandal, they had abused and assaulted the informant. Subsequently, one another co-accused person, namely, Raju Mandal is stated to have assaulted the informant by the butt of the pistol



and then the co-accused person, namely, Ganga Mandal had also assaulted the informant by means of iron rod, resulting in the informant sustaining grievous injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a bare perusal of the F.I.R. would show that as far as the petitioner is concerned, there is no allegation of any sort of overtact and he has been falsely roped in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been



levelled as far as the petitioner is concerned and in fact no allegation has been levelled regarding him having engaged in any sort of overtact, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 02 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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