

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8116 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- GAIGHAT District- Muzaffarpur

SONU YADAV @ SONU KUMAR S/O- SHATRUGHAN YADAV R/O-
VILLAGE- SHIVDAHA 63, P.S.- GAIGHAT, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Gaighat P.S. Case No. 171/2023 instituted under Sections 147, 148, 149, 341, 323, 307, 302, 337, 338, 504 & 506 of the Indian Penal Code lodged on 4.5.2023 by the informant, Sunita Devi.

3. As per the prosecution story, on 3.5.2023, a Baarat had come from Darbhanga for the marriage ceremony of the daughter of the elder brother-in-law of the informant. The husband of the informant and other family members had gone to Ram Janki Temple with the groom for some rituals, the 5 accused persons including the petitioner started abusing



the husband of the informant. Upon protest, all the accused persons including the petitioner and other started assaulting him and others family members by means of 'lathi-danda' bricks and stones, as a result of which, some persons including the husband of the informant were injured.

4. Learned counsel for the petitioner submits it is unfortunate that due to minor scuffle between 'Baarat parties', the incident happened. He has no role to play, omnibus allegation is against him and further similar situate Shambhu Yadav has been extended the relief by a coordinate bench of this Court in Cr. Misc. No. 48475 of 2023 (Annexure-P/2).

5. Learned APP opposes the prayer stating that only because the informant's side requested them to allow their groom to go to the Temple, the incident took place.

6. Though, the case is unfortunate and this Court was not inclined to extend him the relief initially taking into account the parity as the coordinate bench has extended anticipatory bail to similar situate person, this Court also follows the same route.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Gaighat P.S. Case No. 171/2023 to the satisfaction of learned J.M.-1st Class (Court No.2), Muzaffarpur (East) subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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