

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39335 of 2024

Arising Out of PS. Case No.-1030 Year-2023 Thana- KHAGARIA District- Khagaria

ANGAD YADAV, S/O JANARDAN YADAV, R/O VILLAGE-RAMTOLA
KOTHIYA, WARD NO.-3, P.S.- MUFFASIL, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45586 of 2024

Arising Out of PS. Case No.-1030 Year-2023 Thana- KHAGARIA District- Khagaria

SUJEET YADAV @ SUJIT YADAV @ SUJEET KUMAR @ SUJIT
KUMAR SON OF LATE JANADRDN YADAV VILLAGE- RAM TOL,
KOTHIYA, WARD NO. 03, P.S.- MUFFASIL, DISTRICT.- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39335 of 2024)

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
Ms. Namita Sharma, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP
Mr. Rahul Singh, Advocate
Mr. Amar Kumar Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 45586 of 2024)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP
Mr. Rahul Singh, Advocate
Mr. Amar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 09-08-2024 1. Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.
2. The petitioners have preferred this application for
grant of anticipatory bail apprehending their arrest in connection
with Khagaria Muffasil P.S. Case no. 1030 of 2023 registered



under sections 307, 341, 323, 385, 504, 506 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that he along with others in his family were assaulted by the nine named accused persons including the two petitioners herein.

4. Learned counsel for the petitioners submits that the informant having died four months later on 6.2.2024, section 302 of the Indian Penal Code was added. It is submitted that the injury report of the informant does not support the prosecution case of indiscriminate assault by nine accused persons. The injury report shows a lacerated wound on front scalp, swelling with pain in the left middle finger and pain in the right hip. It further states that injury nos. 2 and 3 were found to be grievous while injury no. 1 on the scalp was found to be simple. Further, referring to the postmortem report it is submitted that the cause of death, even therein, is shock resulting from cardio-respiratory failure. The petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that



besides the petitioners being named in the F.I.R., there is direct allegation against all of them of having assaulted the informant and others resulting in the death of the informant. It is not a case for anticipatory bail.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the same not being substantiated from the injury report of the informant together with the contents of the postmortem report and the petitioners not having any criminal antecedent, it is directed that both the petitioners, namely Angad Yadav in Cr. Misc. no. 39335 of 2024 and Sujeet Yadav @ Sujit Yadav @ Sujeet Kumar @ Sujit Kumar in Cr. Misc. no. 45586 of 2024, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Khagaria Muffasil P.S. Case no. 1030 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria and learned Judicial Magistrate Ist Class, Khagaria respectively.

(Partha Sarthy, J)

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