

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50224 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

1. Kailash Yadav, son of Late Sohar Yadav, Village- Sekhbara Ps- MU Dist- Gaya
2. Sandeep Kumar, son of Kailash Yadav, Village- Sekhbara Ps- MU Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1, namely, Kailash Yadav.
3. Permission is accorded.
4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, namely, Kailash Yadav.
5. The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323 and 302 of the Indian Penal Code.



6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and being son of Kailash Yadav has been falsely implicated in the instant case in order to coerce Kailash into submission. It is further submitted that informant alleges that his brother in-law had gone to organize weekly market on 23.03.2024 to Jindapur Pond market where Kailash from before was sitting at a place where his brother in-law used to hold his shop, on which an altercation took place, but the issue was settled with intervention of shopkeepers, but thereafter, it is alleged that the accused persons along with the petitioner came after half an hour and assaulted his brother in-law. Further, Dipu assaulted his brother in-law by an iron rod causing injury on nose, but the injured died during course of treatment at Patna.

7. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that an altercation had taken place in between brother in-law of the informant and Kailash and Dipu Kumar is alleged to have assaulted the deceased, but then, petitioner being son of Kailash has been implicated, who is a young boy aged about 22 years. It is further submitted that there is no specific allegation of assault against this petitioner. It is next submitted that



petitioner was not even present at the place of occurrence and if petitioner is sent to judicial custody in the nature of allegation as alleged, in that event, his entire career would get jeopardized and chances are bright that he may come in contact with hardened criminals. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

8. Learned A.P.P. opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Gaya in connection with M.U. P. S. Case No.62 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

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