

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58354 of 2023

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

1. ARUN YADAV @ ARUN KUMAR YADAV Son of Ramu Yadav Resident of village - Shivdaha, P.S. - Gayaghat, Distt. - Muzaffarpur
2. Sudhir Yadav @ Sudhir Kumar Yadav Son of Chandeshwar Yadav Resident of village - Shivdaha, P.S. - Gayaghat, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 27-02-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Gayaghat Police Station Case No. 171 of 2023, dated 04.05.2023, disclosing offences punishable under Sections 147/148/149/341/323/307/302/337/338/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the baraat/marriage procession of the daughter of the informant's brother-in-law arrived from Darbhanga. On 03.05.2023, the informant along with her family members went to a temple with the groom. It has been



alleged that at that time, one another marriage procession of the daughter of one Raj Nandan Yadav also arrived there, in which the petitioner, along with other co-accused persons, were dancing on road. When the husband of the informant asked the petitioner to clear the road, an altercation took place between them and the accused persons, including the petitioners, assaulted the husband of the informant brutally, leading to his death.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and the allegation against the accused persons is general and omnibus in nature. He further submits that co-accused person, namely, Shambhu Yadav, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 09.08.2023, passed in Criminal Misc. No. 48475 of 2023.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and referring to the contents of the case diary, he submits that there is specific allegation against the petitioner no. 1 that he assaulted the husband of the informant on his head, due to which he died. The allegation against the petitioner



no. 2 is not specific.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that specific allegation of assault is upon the petitioner no. 1 on the head of the deceased, leading to his death and the allegation against the petitioner no. 2 is general and omnibus in nature, including the allegation against co-accused Shambhu Yadav, who has been granted anticipatory bail by this Court, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail.
7. Accordingly, this application qua the petitioner no. 1 is rejected.
8. However, I am inclined to grant the petitioner no. 2, namely, Sudhir Yadav @ Sudhir Kumar Yadav, privilege of anticipatory bail.
9. This application is partly allowed.
10. Let the petitioner no. 2, namely, Sudhir Yadav @ Sudhir Kumar Yadav, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate, 1st Class, East Muzaffarpur, in connection with Gayaghat Police Station Case No. 171 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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