

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67428 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Horil Yadav Son of Babulal Yadav Resident of Mirhatti, PS- Sultanganj,
Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-10-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Sultanganj PS case no. 255 of 2023, disclosing offences punishable under Section 302/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 12.05.2023 at about 5 pm, petitioner along with other accused persons came to the house of informant and took away her husband towards field for doing a party. When husband of the informant did not come over-night, she enquired in the next morning and went to the Boring along with her neighbours, where she saw her husband lying dead near the heater.



4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village politics. Learned counsel further submits that the informant is not the eye-witness of the occurrence rather when she reached at the place of occurrence, she saw her husband lying dead. He next submits that the post-mortem report, annexed as Annexure 2 to this application, clearly shows that the deceased died due to asphyxia and shock caused due to contact with electric wire. Learned counsel next submits that similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench in Cr. Misc. No. 25431 of 2024 and analogous case vide order dated 18.09.2024.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated persons have been granted anticipatory bail by a co-ordinate Bench of this Court, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-1st, Bhagalpur in connection with Sultanganj PS case no. 255 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

8. It is further directed that the petitioner shall appear before the learned Trial Court on each and every date so fixed by the Court and in default of two consecutive appearances, the present privilege of regular bail shall liable to be cancelled.

(Anil Kumar Sinha, J)

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