

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36005 of 2025

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

SHRIKANT KUMAR S/o FUDAN YADAV R/o VILLAGE RAMTOL
KOTHIYA, WARD NO 3, PS -MUFFASIL, DISTRICT KHAGARIA
(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate
Mr. Roop Kishan, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Supplementary Khagaria (Muffasil) P.S. Case No. 1030 of 2023, G.R. No. 3428 of 2023 registered for the offences punishable under Sections 341, 323, 307, 385, 504, 506/34, 302 of the Indian Penal Code.

3. As per prosecution case, while unloading the truck on 02.10.2023, co-accused Pandav Yadav teased informant's grand son and on the said point, scuffle took place between them. Thereafter, petitioner and others have assaulted informant and his family members. Again on 03.10.2023, the aforesaid persons armed with lathi, danda and iron rod came at the informant's house



and assaulted informant and his family members as a result of which Abhishek Kumar, Anil Kumar and Pankaj Yadav sustained head injury. It is alleged that Vibha Devi sustained injury in her hand and Sulochana Devi got also injured. It is alleged co-accused Fudan Yadav snatched Rs. 25,000/- (in cash) from the informant's pocket.

4. Learned counsel for the petitioner submits that informant has died after four months of the occurrence and on 06.02.2024 Section 302 of IPC was added. He further submits that the injury report does not support the allegation made in FIR, as contained in Annexure 2 of the instant petition. He further submits that there is no specific overt-act attributed against the petitioner rather the allegation of assaulting the informant is attributed against nine persons including the petitioner. He further submits that on similar and identical allegation, co-accused Angad Yadav and Sujeet Yadav @ Sujit Yadav have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 39335 of 2024 and 45586 of 2024 respectively and the case of present petitioner is identically same. Hence, the present petitioner also deserves anticipatory bail. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner



is FIR named accused person. He further submits that petitioner and others are said to have assaulted the informant and his family members as a result of which informant died. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, on similar and identical allegation co-accused have already been granted anticipatory bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Supplementary Khagaria (Muffasil) P.S. Case No. 1030 of 2023, G.R. No. 3428 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

