

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62629 of 2025

Arising Out of PS. Case No.-217 Year-2023 Thana- MURLIGANJ District- Madhepura

Baidhnath Prasad Yadav @ Baiju Yadav @ Baijnath Prasad Yadav S/o- Late
Harinandan Yadav @ Hari Yadav Village- Tamout Paras, Ward no 8, P.S-
Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Binita Kumari, Adv

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 2 15-09-2025 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Murliganj P.S. Case no.217/2023 registered under Sections
147, 302, 120-B of Indian Penal Code.
3. As many as 15 FIR named accused persons and 5
to 6 unknown persons have been stated to be accused of
assaulting the deceased Ambikanand Yadav.
4. Learned counsel for the petitioner submits that it
would be evident from the first information report that there is a
specific allegation that on the order of one Sharda Devi and
Poonam Devi, co-accused Arun Yadav, Shailendra Yadav,
Sanjeev Kumar and Manoj Kumar started strangulating the
deceased by means of a towel. It is further alleged that rest of
the accused persons also assaulted by means of *lathi* and *danda*.
It has further been submitted that there is a general and omnibus



allegation on a number of accused persons and there is no specific allegation against the present petitioner. It has further been submitted that the informant is not an eye witness to the occurrence and Lalita Devi, who had taken the deceased for treatment, has not been examined during the course of investigation. The further submission is that there is a case and counter-case between the parties and the persons on the side of the accused persons have also suffered injuries. It has also been submitted on behalf of the petitioner that the similarly situated co-accused persons have already been granted both anticipatory bail and regular bail vide Annexure-P/4 series .The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground of seriousness of offence and points out that there is a delay in approaching the Court for anticipatory bail. In response, it has been submitted since the petitioner belongs to a different village and there was a confusion between with regard to parentage also, steps could not be taken on behalf of the petitioner earlier.

6. Taking into consideration the facts and circumstances of the case and also considering that the petitioner is 65 years old person and there is a general and



omnibus allegation against the petitioner and other similarly situated accused persons being Devnandan Yadav, Sanjiv Kumar and Mithilesh kumar, who have been already granted privilege of anticipatory by the learned District Court vide A.B.P No. 1570/2023 and some other co-accused persons have been allowed bail by the Co-ordinate Benches of this Court and as also one Pawan Yadav has been granted anticipatory bail by this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 67132/2024 , let the above named petitioner who has no criminal antecedent, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Murliganj P.S. Case no. 217/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepur, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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