

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33954 of 2015

Arising Out of PS.Case No. -221 Year- 2014 Thana -PAKARIBARAW District- NAWADA

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1. Jagdish Yadav S/o Shyam Yadav
2. Chhotan Yadav S/o Late Kailu Yadav
3. Suresh Yadav S/o Late Kailu Yadav
4. Prakash Yadav @ Prakash Kr. Yadav, S/o Sukhdeo Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 365, 302, 201 and 120B of the of the Indian Penal Code.

The prosecution case is that the informant's brother Ragive Abdullah @ Jakka went out of the house conveying that he is going to the house of co-accused Ram Bilash but he did not return, thereafter, the case was registered under section 365 of the Indian Penal Code. Subsequently, his dead body was recovered. It was alleged that the victim had some weakness for the daughter of the Ram Bilash. Petitioners were not named in the FIR, but their name transpired on the basis of confession of co-accused Ram Vilash. Admittedly, there is no eye witness to the occurrence.

It is submitted by learned counsel for the petitioners that only on the basis of confessional statement of co-accused Ram

Vilash without any corroborating material collected by the investigating agency, the petitioners were roped in the present case and similarly situated co-accused Satyendra Yadav has been granted anticipatory bail by a co-ordinate bench of this court vide Criminal Miscellaneous No.4746 of 2015.

This court is reluctant to grant the anticipatory bail privilege to petitioner nos. 1 (Jagdish Yadav) and 2 (Chhotan yadav) since it appears from statement made in paragraph 3 of the petition that they have serious criminal antecedent, let the learned court below consider their prayer for regular bail, if they surrender within a period of six weeks.

So far as petitioner nos. 3 (Suresh Yadav) and 4 (Prakash Yadav @ Prakash Kr. Yadav) are concerned, since they have no criminal antecedent, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Pakribarawan P.S. Case No.221 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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