

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11608 of 2015

Arising out of PS.Case No. -104 Year- 2014 Thana -KAUAKOL District- NAWADA

Umesh Yadav @ Modi Yadav Son of Late Sital Yadav resident of Village
Mananiatari , p.s. Kawakole, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate.

For the Opposite Party/s : Mr. Umesha Nand Pandit (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 12-08-2015

Heard learned counsel for the parties.

The petitioner's prayer for anticipatory bail for offence under Sections 201 and 302/34 of the Indian Penal Code is primarily sought to be pressed on the ground that co-accused, namely, Bhuneshwar Yadav, Govind Yadav, Bishundeo Yadav @ Vishundeo Yadav @ Vishnudeo Yadav and Devendra Yadav have already been granted privilege of anticipatory bail by an order of this Court dated 06.05.2015 in Cr. Misc. No. 16889 of 2015.

This Court will have no difficulty in following the aforesaid order, but then only rider will be that if the petitioner is not accused in any of the three cases, namely, Kawakole P.S. Case No. 17 of 2009, Kawakole P.S. Case No.36 of 2014 and Complaint Case No. 647 of 2014, he shall be released on bail keeping in view that the petitioner himself has stated in para-3 that he has got no criminal antecedent.

In other words, if the court below finds the petitioner to have any criminal antecedent, the privilege of bail shall not be given to him.

That being so, if the petitioner, namely, Umesh Yadav @ Modi Yadav, surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada P.S. Case No. 104 of 2014; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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