

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18560 of 2015

Arising Out of PS.Case No. -751 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Dinesh Yadav son of Late Ramotar Yadav
2. Chandan Yadav son of Dinesh Yadav both resident of Situwaha, P.S. -
Salkhua, District Saharsa at present Marwari Bhojnalaya Chandani Chowk
Saharsa P.S. & District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-341, 323, 379, 504, 506, 307/34 of the Indian Penal Code and Section-27 of the Arms Act, this Court would be inclined to grant the privilege of anticipatory bail to the petitioner no. 2 against whom there is hardly any direct allegation unlike the case of petitioner no. 1 said to have throttled and assaulted the informant which stands duly corroborated from the injury report as contained in Annexure-2. In fact the petitioner no. 2, Chandan Yadav has also got no criminal antecedent.

That being so, the prayer for anticipatory bail of the petitioner no. 2, Chandan Yadav is allowed whereas the prayer for anticipatory bail of petitioner no. 1, Dinesh Yadav is rejected.

If the petitioner no. 2, **Chandan Yadav**, surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **C.J.M., Saharsa** in connection with **Saharsa P.S. Case No. 751 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner no. 2 and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner no. 2 who will give 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 no.2.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner no. 2 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 bail on the ground of misuse.

(iv) That the petitioner no. 2 will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner no. 2 will be well represented on each and every date 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)

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