

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46704 of 2014

Arising Out of PS.Case No. -62 Year- 2010 Thana -PARSAUNI District- SITAMARHI

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1. Shiv Shankar Yadav Son of Ram Ballam Yadav resident of village-
Benipur, Police Station- Parsauni, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Hans Lal Kumar

For the Opposite Party : Mr. Jitendra Kumar Roy-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-04-2015

Heard learned counsels for the petitioner and

the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302/34 of the I.P.C and Section 27 of the Arms Act as he has been summoned in exercise of jurisdiction under Section 319 of the Cr.P.C.

The petitioner was named along with other co-accused in the First Information Report with specific accusation that son of the informant Upendra Yadav was killed and informant also received injuries. On conclusion of the investigation the petitioner was not sent up for trial. The final form was accepted but during trial of the co-accused, on examination of the four witnesses, the petitioner has been summoned.

It is submitted by learned counsel for the

petitioner that the accusation was not found true against the petitioner during investigation and petitioner was not sent up for trial. The petitioner undertakes to appear before learned Court below regularly.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the fact that petitioner has been summoned in exercise of jurisdiction under Section 319 of the Cr.P.C and the learned Sessions Judge has not deliberated the evidence of the P.W.s which persuaded the learned Sessions Judge to summon the petitioner in exercise of jurisdiction under Section 319 of the Cr.P.C, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Parsauni P.S. Case No. 62 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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