

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40076 of 2015

Arising Out of PS.Case No. -189 Year- 2014 Thana -KAKO District- JEHANABAD

Nageshwar Yadav S/o Late Raghunandan Yadav Resident of village -
Dewraj Bigha, P.S. Kako, District - Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate.

For the Opposite Party/s : Mr. Upendra Kumar (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-09-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 302 as well as 147, 148, 149 and 120B of the Indian Penal Code and Section 27 of the Arms Act and the fact that an unlawful assembly of as many as 48 persons is said to have indulged in indiscriminate assault on the deceased in which the main allegation of assault is against one Yogendra Yadav, this Court, keeping in view that the petitioner also has no criminal antecedent, would be inclined to grant privilege of anticipatory bail to the petitioner.

That being so, if the petitioner, namely, Nageshwar 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 to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 189 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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