

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21279 of 2015

Arising Out of PS.Case No. -171 Year- 2014 Thana -HUSAINGANJ District- SIWAN

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Sandeep Yadav @ Sandeep Kumar Yadav S/o - Shree Rajendra Chaudhary
resident of Vill- Badram, Ps. Husainganj, Distt- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
For the Informant : Mr. Ajay Kumar Tiwary, Adv
For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-302 and 34 of the Indian Penal Code and the admitted position that the name of the petitioner has only come by way of suspicion because he had gone to inform the family members of the deceased as with regard to his finding the deceased in unconscious state, this Court could have denied the privilege of anticipatory bail to the petitioner if there would have been any link of his involvement in the alleged



occurrence. In fact learned counsel for the informant has tried to rely on paragraph no. 54 of the case diary for showing the proximity of the call made from the mobile phone of the deceased to the mobile phone of the petitioner but then if paragraph nos. 53 and 54 are read together, the same does not conclusively get established.

That being so, if the petitioner namely, **Sandeep 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 **Chief Judicial Magistrate, Siwan** in connection with **Husainganj P.S. Case No. 171 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 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 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.

(iii) That the bailor 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 bail on the ground of misuse.

(iv) That the petitioner 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 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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