

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4746 of 2015

Arising Out of PS.Case No. -221 Year- 2014 Thana -PAKRIBARAWAN District- NAWADA

Satyendra Yadav S/o Sukhdeo Yadav r/o -vill Datraul, P.S- Pakri Barawan,
Distt- Nawada.

.... Petitioner

Versus

State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.
Mr. Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. A.Dayal(App)

For the Informant : Mr. Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 02-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 365 and 302 of the Indian Penal Code and the fact that the alleged involvement of the petitioner has surfaced only on the basis of confession of co-accused Ram Bilash Yadav, whose daughter was found to be in the company of the deceased, done to death allegedly by a mob of several persons including the petitioner and that there is no independent corroboration of such confessional statement from any other source, this Court keeping in view that the petitioner at best has only one more criminal case of the year 2005 in relation to offence under section 379 of the Indian Penal Code would find him entitled for grant of privilege of anticipatory bail.



The submission of the learned counsel for the informant that Sukhdeo Yadav was not granted anticipatory bail and he was also granted regular bail will not change the situation inasmuch as in the order dated 23.4.2015 of this Court in Cr. Misc. No. 8498 of 2015 while rejecting bail of Ram Bilash Yadav, the person who had made confession and where the dead body of the deceased was recovered it had been observed that the case of Sukhdeo Yadav in Cr. Misc. No. 4640 of 2015 altogether on a different footing.

That being so, if the petitioner, Satyendra 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in Pakribarawan P.S. Case No. 221/2014, subject to the following conditions:

(i) That both the bailors will be a 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.

(ii) That the bailor shall also state on affidavit that

he 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.

(iii) 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.

(iv) 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.

surendra/-

(Mihir Kumar Jha, J)

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