

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8440 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -KAUAKOL District- NAWADA

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1. Ambika Yadav @ Ambika Prasad Yadav Son of Late Dhanu Yadav
2. Arun Yadav Son of Sri Ambika Yadav Both are Resident of village -
Mananiyatari, P.S. Kowakol, District - Nawadah

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rana Paratap Singh, Sr. Advocate.

For the Opposite Party : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-04-2015 Heard Shri Rana Pratap Singh, Sr. Advocate on behalf

of the petitioners, learned counsel for the informant and learned

counsel for the State.

The petitioners apprehend their arrest in Kawakol P.S.

Case No. 104 of 2014, registered for the offences punishable

under Sections 302, 201 and 34 of the Indian Penal Code.

The informant alleged that she came to know on

06.08.2014 that Arun Yadav, Varun Yadav, Ambika Yadav,

Umesh Yadav, Bishundeo Yadav, Devendra Yadav, Govind

Yadav, and others killed Shekhar Yadav and disposed of his dead

body.

Learned counsel for the petitioners submits that the

informant is not an eye witness of the occurrence. Three witnesses



namely Chando Yadav, Vipin Yadav and Maheshwar Yadav disclosed the name of the petitioners and other accused persons on 08.08.2014, thereafter, three witnesses namely Mukesh Yadav, Jitendra Yadav and Guddu Kumar made their statement under Section 164 of the Cr.P.C. claiming themselves to be eye witness of the occurrence, but their presence on the place of occurrence is doubtful on the simple ground, that they did not come forward immediately after the occurrence. Even though, they are claiming to be eye witnesses. They made their statement after one week of the occurrence. It is further submitted that the co-accused Ajit Yadav has already been granted anticipatory bail vide order passed in Cr. Misc. No. 4051 of 2015 and co-accused Shambhu Yadav has been granted regular bail vide order passed in Cr. Misc. No.2534/2015, the case of the petitioners stands on same footing.

On the other hand learned counsel for the informant and learned APP submitted that the informant as well as the other witnesses have stated the name of the petitioner and petitioners have got criminal antecedent, but did not dispute the fact that similarly situated co-accused Ajit Yadav has already been granted anticipatory bail and Shambhu Yadav has been granted regular bail.

Considering the facts aforesaid, the petitioners above

named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri S.K. Mishra, the learned Judicial Magistrate 1st Class, Nawadah in connection with Kawakol P.S. Case No. 104 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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