

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8560 of 2016**

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

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1. Umesh Yadav @ Modi Yadav, Son of Late Sital Yadav, Resident of  
Village:- Mananiyatari, P.S:- Kowakole District:- Nawadah.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ambika Bhagat, Advocate

For the Opposite Party/s : Mr. B.N.Panday(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      23-02-2016

Heard learned counsel for the petitioner and the  
State.

The petitioner has renewed his prayer for grant  
of anticipatory bail in connection with Kawakole P.S. Case  
No. 104 of 2014 registered for the offences punishable  
under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case is that the informant's cousin  
Shekhar Yadav was killed, when the villagers suggested the  
name of Varun Yadav and others, who, after killing the cousin  
of the informant, disposed of the dead body.

The petitioner was granted anticipatory bail by a  
Coordinate Bench of this Court (now retired) vide Cr. Misc. No.  
11608 of 2015 on 12.08.2015 with a condition that if the  
petitioner is not accused in any of the three cases, namely  
Kawakole P.S. Case No. 17 of 2009, Kawakole P.S. Case No. 36

of 2014 and Complaint Case No. 647 of 2014 he shall be released on bail but he could not be released since he was accused in all the three cases.

It is submitted by the learned counsel for the petitioner that due to inadvertence a wrong statement was made in paragraph no. 3 of the petition to the effect that he has no criminal antecedent, though the petitioner is accused in all the three cases but others have been granted anticipatory bail.

Considering the fact that the petitioner was granted anticipatory bail earlier. The present anticipatory bail application is not maintainable. This Court is also not inclined to modify the terms of the order as stipulated in the order dated 12.08.2015, hence the present application is disposed of with liberty to the petitioner to surrender and pray for regular bail before the learned court below.

The learned court below is directed to consider the prayer for regular bail of the petitioner keeping in view of the fact that the petitioner was granted anticipatory bail on merits and others have also been granted bail in the matter.

The order dated 12.08.2015 passed in Cr. Misc. No. 11608 of 2015 is hereby rescinded.

**(Dinesh Kumar Singh, J)**

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