

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29508 of 2016

Arising Out of PS.Case No. -26 Year- 2015 Thana -LADANIA District- MADHUBANI

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1. Shib Nath Yadav Son of Kari Yadav, resident of Village- Dhobiyahi, P.S-
Ladaniya, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 15-12-2016 Heard Mr. Gagan Deo Yadav for the petitioner and Mr.
Upendra Kumar, APP for the State.

Petitioner prays for grant of anticipatory bail in Ladaniya
P.S. Case No. 26 of 2015 registered under sections 447, 427, 380,
302 and 34 of the Indian Penal Code.

In the F.I.R., specific allegation is attributed to co-accused
Pawan Kumar Yadav who is said to have assaulted the deceased
on head by brick which later proved fatal. The post mortem report
supports the said allegation. So far as the petitioner is concerned,
the allegation is that he was also one amongst the group who was
fighting from before with the deceased. It is submitted by the
petitioner with reference to the statement of the mother of the
deceased that the petitioner, one Shaukhi Lal Yadav and Kari
Yadav were present but did not initiate any step to pacify the
dispute which was going on from before in the family. Learned



counsel submits that petitioner has no criminal antecedent. One of the aforesaid co-accuseds has already been released on bail by the Court below.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in Ladaniya P.S. Case No. 26 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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