

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57178 of 2015

Arising Out of PS.Case No. -180 Year- 2015 Thana -MANJHI District- SARAN

1. Shivjee Yadav son of Late Suraj Yadav resident of Village- Manjhi, Miyanpatti, Police Station- Manjhi, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Narendra Kumar
For the State : Md. Fahimuddin, APP
For the informant : Mr. Rananjay Kumar, Advocate
Mr. Rajiv Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 29-02-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Manjhi Police Station Case No. 180 of 2015, disclosing offences under Sections 302/201/34 of the Indian Penal Code.

The petitioner is the father of the deceased; whereas, the informant is the widow of the deceased.

Learned Counsel appearing on behalf of the petitioner submits that the implication of the petitioner is based on mere suspicion. He also submits that no material has come in course of investigation supporting the

suspicion raised by the informant in her written report. He has also submitted that though the petitioner was given interim protection by this Court by order dated 18.12.2015, passed in this case, there is no material on record to suggest that the petitioner ever misused the privilege, so granted. It is also submitted that it is highly improbable that someone would kill his own son.

Learned Counsel appearing on behalf of the informant has opposed the prayer for bail and has submitted that on the date of occurrence, the informant, wife of the deceased, was at her maika, but the petitioner did not consider it fit to inform her.

Considering the facts and circumstances, more particularly the fact that there is no allegation of any misuse of interim protection earlier granted to this petitioner, this application is allowed.

Let the petitioner, Shivjee Yadav, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Additional Chief Judicial Magistrate –cum- Sub Judge V, Saran at Chapra, in connection with Manjhi Police Station Case No. 180 of 2015, subject to the condition laid down under Section 438 (2) of

the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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