

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12576 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -BAHERI District- DARBHANGA

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1. Sanjay Lal Dev Son of Ram Das Lal Resident of village - Manortha
Police Station A.P.M. District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case is that on 29.5.2015 the marriage ceremony of the niece of the informant was going on. The son of the informant namely Rakesh kumar Yadav who came from Delhi twenty days prior to date of incident, went traceless. Subsequently, his dead body was recovered when suspicion was raised against the agnates of the informant namely Jamun Yadav, Ganga Prasad Yadav, Ranvir Yadav, Tanvir Yadav, Chiranjeev yadav and Ramanjee Yadav who earlier threatened to eliminate the entire family. The petitioner was not named in the FIR. His name subsequently

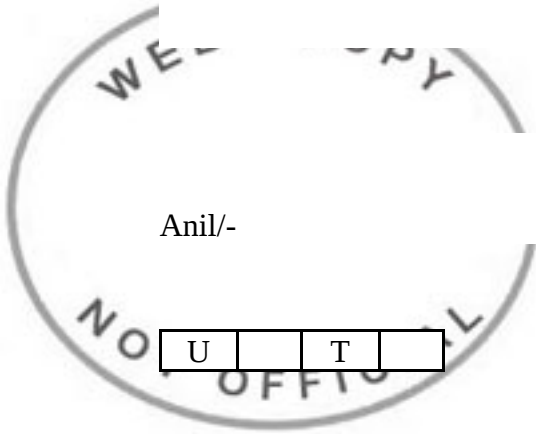
sprang up on the confession of co accused Hitesh Kumar who was apprehended on the basis of call detail report.

It is submitted by the learned counsel for the petitioner that except the confession of co accused, there is nothing against the petitioner. The petitioner is not the agnate of the informant and similarly situated accused Suchita Devi has been granted anticipatory bail vide Cr. Misc. No. 57468 of 2015. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga in connection with Baheri P.S. Case No. 109 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on filing of an affidavit by the petitioner before the learned court below that he will regularly cooperate in the investigation. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non cooperation in the investigation will give

liberty to the prosecution to file application before the learned court below to cancel bail bonds of the petitioner.



Anil/-

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(Dinesh Kumar Singh, J)