

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12971 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -BIHRA District- SAHARSA

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Shambhu Yadav S/o Rajendra Yadav R/o village Mankhahi, P.S. Bihra,
Dist. Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 11-04-2016 Heard counsel for the petitioner and Mr. Ram
Chandra Singh APP for the State.

Apprehending his arrest in connection with Bihra P.S.
case no. 211 of 2015 registered under Sections 341,324,307, 448
506, 120B/34 of the IPC and Section 27 of the Arms Act, the
petitioner has prayed for grant of anticipatory bail.

On hearing the sound of gun firing at the dead of
night the wife came out to find her husband lying in pool of blood.
Two accuseds (not the petitioner) were seen coming out from the
Mill. Some accused persons were allegedly standing on the road.
On the basis of the aforesaid, statement lodged after 03 days the
FIR was lodged in which the petitioner is not named. In course of
the investigation, the name of the other accuseds including the
petitioner and one Dhanik Lal Yadav transpired. Petitioner has no

criminal antecedent. Considering the above two aspects co-accused, Dhanik Lal Yadav has been released on anticipatory bail vide order dated 17.3.2016 passed in Cr. Misc. no.11704 of 2016. It is stated that the motive assigned in the First Information Report does not relate to the present petitioner who does not belong to the family of Dhanik Lal Yadav.

Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on anticipatory bail. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa, in connection with Bihra P.S. case no. 211 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s)



fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law

(Kishore Kumar Mandal, J)

Shyam/-

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