

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24438 of 2016

Arising Out of PS.Case No. -148 Year- 2009 Thana -BELAGANJ District- GAYA

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Ramdahin Yadav son of Durga Yadav a resident of Village- Dallibigha,
P.S.- Belalganj, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajni Kant Jha, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 05-08-2016

Heard both sides.

The petitioner apprehends his arrest in Belaganj P.
S. Case No. 148 of 2009 under Section 302 and other sections of
the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that while her husband had
gone to attend the call of nature, Gumma Paswan, Ravinder
Yadav, Ramdahin Yadav (the petitioner), Sanjay Yadav @
Bambam Yadav, Tenia Yadav and Amrik Yadav came and
caught her husband and assaulted her husband. Amrik Yadv took
out his pistol and fired on her husband and her husband fell
down, thereafter Amrik Yadav fired again and her husband died.

It is submitted that although the petitioner is named
in the F.I.R., but no specific allegation of assault has been made
against the petitioner. The police found the case false against the

petitioner, Tenia Yadav and Ravinder Yadav. But the learned court below took cognizance against the petitioner and others also. Tenia Yadav and Ravinder Yadav have already been granted anticipatory bail vide order dated 20.05.2016 in Criminal Misc. No. 21520 of 2016. The case of the petitioner stands on the same footing.

The learned APP does not dispute with these facts.

Having considered the facts that there is no overt act against the petitioner and similarly situated co-accused Tenia Yadav and Ravinder Yadav have already been granted anticipatory bail by a co-ordinate bench of this Court, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Belaganj P. S. Case No. 148 of 2009, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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