

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30037 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -MUNGER MUFFASIL District- MUNGER

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Rajendra Yadav, son of late Rameshwar Yadav, resident of Village-Sitakund Dih, P.S. Muffasil, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rekha Prasad, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Munger Muffasil P.S. Case No. 5 of 2017 instituted for the offence under Sections 147, 149, 323, 307, 302, 379 and 504 of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence when the informant was constructing the house approved by Indira Awas, this petitioner along with other accused persons abused and started altercation with the informant and when father of the informant came to rescue him, the petitioner and co-accused Naresh Yadav assaulted the father of the informant with lathi and *Sabbal* on his head with intention to kill him, due to which, his father became unconscious and later on, he



died. Thereafter, other accused persons assaulted the informant.

Case diary has been received.

The learned A.P.P. has pointed out that in further statement of the informant as recorded in paragraph-7 of the case diary, he has levelled specific allegation against Naresh Yadav of assaulting his father with *Sabbal* on his head. Similar statement has been made by the wife of the deceased, Dula Devi, in paragraph-8 of the case diary and other witnesses in paragraphs-9 and 10 of the case diary. The post mortem report is available in the case diary wherein the Doctor has found one injury on the scalp and temporal and parietal bone fractured.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Munger Muffasil P.S. Case No. 05 of 2017, he shall 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 Sub Divisional Judicial Magistrate, Munger, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2)



petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

