

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16896 of 2017

Arising Out of PS.Case No. -342 Year- 2016 Thana -BELHAR District- BANKA

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Mohan Yadav, s/o late Gurucharan Yadav, resident of Village- Bela, P.S.-
Belhar, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-06-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Belhar P.S.

Case No. 342 of 2016 instituted for the offence under Sections
302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
he has no criminal antecedent. He has been made accused in the
case merely because he is brother of the main assailant Nepali
Yadav.

As per Fardbeyan, there is specific allegation that co-
accused Nepali Yadav fired from *Desi Katta* in the chest and
Kanpatti of the deceased Dilip Yadav (nephew of the informant).
In this manner, there is no allegation of specific overt act against
the petitioner.



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 Belhar P.S. Case No. 342 of 2016, 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 Additional Chief Judicial Magistrate, 2nd, Banka, 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.

S.Ali/-

(Sanjay Priya, J)

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