

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42105 of 2017

Arising Out of PS.Case No. -1163 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Bishundeo Yadav, Son of Munna Yadav, Resident of Village- Bhairobigha,
P.S. Sare, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmveer Paswan, Son of Siyasharan Paswan, Resident of Village-
Bhairobigha, P.S. Sare District Nalanda.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. S. Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case
No. 1163C of 2013 instituted for the offence under Sections 364/34 of
the Indian Penal Code.

It has been submitted that deceased died in road accident
in the district of Chapra for which Copa P.S. Case No. 18 of 2010 was
registered for the offence under Sections 302/34 of the Indian Penal
Code against unknown. The police after investigation found the case
true under Section 304(A) and 379 of the Indian Penal Code against
Munna Yadav, driver of the vehicle. Thereafter, the instant complaint
has been filed by the complainant which was sent to Police Station
under Section 156 (3) Cr. P.C. and police after investigation, submitted
Final Form in that case. Thereafter, on the basis of protest petition, the



learned Magistrate has found prima facie case under Section 364/34 of the Indian Penal Code vide order dated 05.01.2015.

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 Complaint Case No. 1163C of 2013, 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-II, Biharsharif, 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.

(Sanjay Priya, J)

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