

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.382 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Raj Kumar Yadav @ Raj Kumar Son of Sada Nand Yadav Resident of
Village - Pathraha , Police Station - Madhepura ,District - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.11402 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Mantosh Kumar @ Mantosh Kumar Yadav Son of Murli Yadav, Resident
of Village- Azad Chowk, Binobagram, Police Station- Jankinagar, District-
Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.382 of 2017)

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

(In Cr.Misc. No.11402 of 2017)

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 01-05-2017 Since both the cases arise out of Madhepura P. S.

Case no. 301 of 2016, they have been heard together and are being

disposed of by this common order.

This is an application for grant of anticipatory bail

for offences punishable under Sections 147, 148, 149, 341, 323

and 302 of the Indian Penal Code.



Heard learned counsel for the petitioners.

It has been submitted on behalf of the petitioners that so far as petitioner Raj Kumar Yadav of Cr. Misc. no. 382 of 2017 is concerned, there is nothing against him as nobody has named this petitioner nor he is the driver or khalasi of the vehicle. So far as petitioner Mantosh Kumar Yadav of Cr. Misc. no. 11402 of 2017 is concerned, allegation against him is weak in nature. It is further submitted that both the petitioners have no criminal antecedent.

Heard learned A.P.P. as well as the informant. They have opposed the prayer for bail stating that petitioner Mantosh Kumar is the driver of the vehicle and allegation against the driver and khalasi is that they along with other accused persons have killed the deceased, however, so far as petitioner Raj Kumar Yadav is concerned, his name has transpired in the confessional statement of the co-accused.

Having heard both sides, in view of the facts stated above, let above named petitioner Raj Kumar Yadav of Cr. Misc. no. 382 of 2017 , in the event of arrest or surrender within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Madhepura, in connection with Madhepura P.S. Case no. 301 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and also subject to the conditions that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the investigation and make himself available before the police as and when required. (3) if any incriminating article is found against the petitioner during the course of investigation, the prosecution shall be at liberty to move for cancellation of bail bond of the petitioner Raj Kumar Yadav.

So far as petitioner Mantosh Kumar Yadav of Cr. Misc. no. 11402 of 2017 is concerned, I am not inclined to grant anticipatory bail to him. However, he may surrender in the court below and make prayer for regular bail which shall be considered on its own merit without being prejudiced by the order of this Court.

With the above observation both the applications are accordingly, disposed of.

(Vinod Kumar Sinha, J)

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