

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12973 of 2017

Arising Out of PS.Case No. -67 Year- 2015 Thana -KAUAKOL District- NAWADA

=====

1. Ashok Kumar @ Ashok Yadav S/o Bholu Yadav
2. Kapildeo Prasad S/o Baleshwar Prasad Both residents of village -
Nawadih, P.S. - Kawakole (Rupao), District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rudal Prasad

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 27-04-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Kawakole
(Rupao) P.S. Case No. 67 of 2015 instituted for the offence
under Sections-302/34 of the Indian Penal Code.

As per written report, the petitioner took the
husband of the informant for labour work in Bikaner and
amount of wage was dues and when he (husband of the
informant) made demand, this petitioner along with other co-
accused Kapil and Sanjay Yadav killed her husband and
dead body was brought in the village and with the help of
contractor, Ashok Kumar @ Ashok Yadav (petitioner No. 1)
dead body was burnt without conducting postmortem of
dead body. The petitioner No. 1 accepted to give



compensation and dues amount of three months at the time of burning of the dead body but he refused to make payment of the aforesaid amount.

The C.D. has been received.

In paragraphs-8, 9, 10, 18, 19 of the C.D. the witnesses have supported the case of the informant and they stated that the dead body was burnt without postmortem and the accused persons assured to give dues amount of wage and compensation but after burning of the dead body, he refused the same.

In the written report, it appears that there is specific allegation against petitioner No. 1 of taking the husband of the informant to Bikaner and the amount of wages was due with petitioner No. 1.

Therefore, this court is not inclined to grant anticipatory bail to petitioner No. 1 named above. Accordingly, his prayer for anticipatory bail stands rejected.

So far as petitioner No. 2 is concerned; there is no specific overt act against petitioner No. 2.

Accordingly, prayer for anticipatory bail of petitioner No. 2 named above is allowed it is ordered that the petitioner No. 2 named above, in the event of his arrest



or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kawakole (Rupao) P.S. Case No. 67 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Nawada subject to condition as laid down u/S 438(2) of the 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 petitioners 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)

A.K.V./-

U		T	
---	--	---	--

