

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27731 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -ATRI District- GAYA

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Sarwan Yadav, son of Babu Lal Yadav, resident of Village- Malahi, Police
Station- Atri, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Atri P.S. Case No.
101 of 2016 instituted for the offence under Section 27 of the Arms
Act.

It has been submitted that the petitioner is not named in
the written report. His name has come in the statement of Mahendra
Mukhiya.

As per written report, Jitendra Tagore, Lalita Devi and
Dinesh Yadav took the cousin brother of the informant in his Scorpio
vehicle saying that after meeting he will return back but the brother of
the informant did not return. Thereafter, a search was made and in the
morning at 6:00 a.m. the dead body of cousin brother of the informant
Santosh Kumar was found in the land of Jogan Yadav near bundle of
straw.



The petitioner is not named in the written report. His name has been disclosed by Mahendra Mukhiya.

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 Atri P.S. Case No. 101 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-IIInd, Gaya, 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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