

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31899 of 2017

Arising Out of PS.Case No. -246 Year- 2014 Thana -KATORIA District- BANKA

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Mantu Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Katoria (Jaipur)

P.S. Case No. 246 of 2014 instituted for the offence under
Sections-302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
other co-accused have been granted anticipatory bail by a
coordinate bench of this court vide order dated 13-04-2017 passed
in Cr.Misc. No. 17485 of 2017. The petitioner was not charge
sheeted by the police but the court below, differing with the
charge sheet, has taken cognizance against the petitioner.

In the written report, it is alleged that this petitioner
induced the brother of the informant and took him to consume
wine. When the brother of the informant did not come back, the
informant with his another brother proceeded in search of his



brother. It is alleged that in course of search, when they were passing by the side of the school, they saw the accused persons, named in the first information report including this petitioner having armed with Lathi, Danda, Axe going towards the east. The informant could not be able to trace his brother at night. In the morning, he learnt that his brother has been killed near the north west corner of the school by means of axe. The informant came near the school and found his brother dead. It is mentioned in written report itself that the petitioner is neighbour of the informant. There is no any specific overt act against this petitioner in the written report.

In this manner, besides suspicion, there is no allegation of overt act against the petitioner.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within six 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 Katoria (Jaipur) P.S. Case No. 246 of 2014 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Banka 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 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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