

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44700 of 2017

Arising Out of PS.Case No. -439 Year- 2017 Thana -BANKA District- BANKA

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Jagdish Yadav, Son of Bhudeo Yadav, R/o Village- Majalishpur, P.s.-
Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Smt. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Banka P.S.

Case No. 439 of 2017 instituted for the offence under Sections
363 and 365 of the Indian Penal Code. Subsequently, Section 302
of the Indian Penal Code was added.

Learned counsel for the petitioner has submitted that
he is not named in the written report. In the written report it is
alleged that son of the informant namely Akash Kumar along with
his two friends went to Bhaiharan Asthan at the bank of Chandan
river. When his friends returned to their house in the evening, the
informant inquired about his son, who told that they got him
reached to his house, but his son did not return. The informant
made search, but no trace was made out. It has further been



submitted that dead body of the son of the informant has been recovered from Chandan river near Bhaiharan Asthan as mentioned in paragraph-26 of the case diary. Thereafter, the informant has given his further statement in paragraph-29 of the case diary raising suspicion against this petitioner on account of previous case pending between them vide Banka P.S. Case No. 14 of 2010.

In such circumstances, 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 Banka P.S. Case No. 439 of 2017, 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 Chief Judicial Magistrate, I/C. Banka, 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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