

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32422 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -CHHABILAPUR District- NALANDA
(BIHARSHARIFF)

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1. Arvind Yadav alias Bin Yadav @ Veena Yadav, son of Deo Charan
Yadav, resident of village- Guraur, P.S.- Chhabilapur, District- Nalanda.
.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 27-02-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Chhabilapur
P.S. Case No.35 of 2015 instituted for the offence under
Section(s) 396 Indian Penal Code and Section 27 of the Arms
Act.

It has been submitted that the petitioner is not
named in the First Information Report. Name of the petitioner has
come during investigation in the statement of the family members
of the deceased recorded under Section 164 Cr. P. C., as
mentioned in para 125, 126, 131 of the case diary, which have
been recorded after lapse of about five months from the date of
occurrence.



The learned APP has submitted that in the statement of the witnesses recorded under Section 164 Cr. P. C., they have alleged that this petitioner gave order and one Ashok Yadav fired in the chest of the deceased. The learned APP also pointed out the Post Mortem Examination Report, wherein, the doctor has found one wound of entry and one wound of exit caused by fire arm.

It has been submitted that co-accused, Deo Charan Yadav @ Dev Charan Yadav, with similar allegation has been granted bail by a co-ordinate Bench of this Court by order dated 25.04.2016 passed in Cr. Misc. No.9363 of 2016.

Even in the statement of the witnesses recorded under Section 164 Cr. P. C., the petitioner is alleged to be only order giver and no specific overt act has been alleged against him.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Chhabilapur P.S. Case No.35 of 2015, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 7th Additional



Sessions Judge, Nalanda at Biharsharif, subject to the condition
as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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