

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7199 of 2017

Arising Out of PS.Case No. -1619 Year- 2013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

=====

1. Mosafir Yadav, son of Late Keshwar Yadav, resident of Village- Ahila,
PS- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha

For the Opposite Party/s : Mr. Shyam Bihari Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-02-2017 The petitioner is apprehending his arrest in connection with C.R. No. 1619 of 2013, Tr. No. 706 of 2014 (arising out of Bahadurpur P.S. Case No. 61 of 2012) for the offences instituted under Sections 302, 201 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the husband of the complainant was ill mentally and due to this, accused persons brought her husband for treatment and they got executed Kewala of a property of her husband and thereafter her husband became traceless. It is also alleged that prior to this case, she also filed a case before the C.J.M. Darbhanga for wrong execution of Kewala from her husband. It is further alleged that on 27.02.2012 accused were traceless from the village and it was rumour in the village that accused with the help of this petitioner and others murdered



her husband and cremated his dead body in hurry without giving information to the complainant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It has further been submitted that the police submitted final form in this case, which was accepted by the court below. Thereafter the case proceeded on the basis of protest petition treating it to be a complaint. No specific allegation has been made against the petitioner in the protest petition. It has also been submitted that other similarly situated co-accused of this case has already been granted the privilege of anticipatory bail by this Court vide order dated 13.02.2017 passed in Criminal Miscellaneous No. 6914 of 2017.

Learned counsel for the State has submitted that the petitioner is named in the protest-cum-complaint.

Having heard both sides, considering the facts and circumstances of the case, and also that the petitioner has no criminal antecedent and only general and omnibus allegation has been levelled against him, and other similarly situated co-accused of this case has already been granted the privilege of anticipatory bail, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged



on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga in connection with C.R. No. 1619 of 2013, Tr. No. 706 of 2014 (arising out of Bahadurpur P.S. Case No. 61 of 2012) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

sunil/-

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

