

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58290 of 2017

Arising Out of PS.Case No. -467 Year- 2017 Thana -BANKA District- BANKA

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1. Babulal Yadav, Son of Matki @ Mitto Yadav, resident of village-
Aliganj, P.S.- Banka, and District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Banka P.S. Case No.
467 of 2017 instituted for the offence under Sections-363, 365/34 of the
Indian Penal Code.

Counsel for the petitioner has submitted that from the
written report itself, it will appear that brother of the informant has
executed sale deed in favour of Md. Babar and his wife Bibi Darkhasan.

There is general and omnibus allegation against this
petitioner that he captured the space which was used by mother of the
informant for selling articles on the footpath after her death in the year,
2014.

In such circumstances, prayer for anticipatory bail is
allowed and 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 Banka P.S. Case No. 467 of 2017 to the satisfaction of learned Chief Judicial Magistrate, 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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