

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28998 of 2017

Arising Out of PS.Case No. -397 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. ANOJ YADAV@ANUJ YADAV Son of Jichho Yadav, Resident of
Village- Simariya, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.02.2017 in connection with Kahalgaon P.S. Case No. 397/16
for offences punishable under Sections 341, 323, 302, 504/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on 15.11.2016 at 7.30 A.M. while the deceased Sadhu Yadav
was going to see his field, all the accused persons including the
petitioner called him and told that they will construct their house
at that place, on which Sadhu Yadav objected then the accused



persons abused him and the petitioner assaulted him on his head with iron rod due to which he fell down on the earth. When son of Sadhu Yadav came to his rescue, he was also assaulted. Sadhu Yadav succumbed to his injuries on the way to Patna.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no eye-witness, son and daughter of the informant have alleged that all the accused persons have vicariously hit his father, brother and other family members, resultantly, the husband of the informant Sadhu Yadav succumbed to his injuries. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and some of the accused named in the First Information Report, who had hit the husband of the informant, have been granted privilege of anticipatory bail by this Court.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is named by the informant to have hit her husband on the head.

Considering the facts and circumstances and the materials on record and on perusal of the case diary, let petitioner, above named, be enlarged on 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, Bhagalpur, in connection with Kahalgaon P.S. Case No. 397/16, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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