

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49352 of 2017

Arising Out of PS.Case No. -32 Year- 2016 Thana -GWALPARA District- MADHEPURA

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Sanjay Yadav S/o Jaykrishna Yadav, R/o Village- Dubu (as Mentioned in F.I.R.), Correct R/o Village- Duhbisubhi, P.S.- Bihariganj (as mentioned in F.I.R.), Correct P.S.- Purani, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Sections 302/34 of the
Indian Penal Code.

FIR discloses recovery of dead body of the son of the
informant lying by the side of National Highway no. 106. It is
alleged that there is land dispute between the husband of the
informant and co-accused Pravin Kumar and that the said Pravin
Kumar along with his family members came to the house of the
informant and threatened for dire consequences.

Counsel for the petitioner submits that he has been
implicated merely on the basis of suspicion and there is no eye-



witness to the occurrence. He further submits that the allegation of threatening is made against the co-accused Pravin Kumar and he is 'Sala' of the said Pravin Kumar who has already been granted bail vide order dated 01.03.2017 passed in Cr. Misc. No. 55377 of 2016.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Udakishunganj (Madhepura) in Gwalpara P.S. Case No. 32 of 2016 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is



implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

- (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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