

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64171 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- BHAIKAVSHTHAN District- Madhubani

Shiv Lal Yadav @ Shiv - lal Yadav S/o Late Jahuri Yadav, resident of Village-
Olipur, P.S. Bhairabsthan, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State as well as learned
counsel for the informant.

Petitioner apprehends his arrest in connection with
Bhairabsthan P.S. Case No. 20 of 2018 registered for the
offences punishable under Sections 147, 148, 149, 341, 326,
302, and 120(B) of the Indian Penal Code.

The informant claims that there was a land dispute
between the deceased as well as her father-in-law as well as
brother-in-law but on the alleged date of occurrence a
Panchaiyati was going on, on account of the aforesaid land
dispute. It further claims that in the aforesaid *Panchaiyati*, her
father-in-law gave order to F.I.R. named accused, who gave



several daggers blow to her husband, as a result whereof her husband died in course of treatment. She further claims that the petitioner had also entered into conspiracy of committing the alleged crime.

Submission on behalf of the petitioner is that no specific overt act has been attributed against the petitioner and except the allegation of conspiracy there is nothing against the petitioner. Learned counsel for the petitioner further submits that there was previous enmity between the informant and the petitioner and much prior to filing of the present case the informant had lodged criminal case against the petitioner but after full-fledged trial petitioner got acquittal in the aforesaid case.

On the other hand, learned counsel appearing for the informant opposes the prayer submitting that there is specific allegation of conspiracy against the petitioner and, therefore, the petitioner does not deserve privilege of anticipatory bail. He also submits that petitioner does have criminal antecedents, which is evident from perusal of paragraph 3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his



arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur (Madhubani) in Bhairabsthan P.S. Case No. 20 of 2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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