

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49669 of 2017**

Arising Out of PS.Case No. -218 Year- 2016 Thana -RAJAULI District- NAWADA

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1. Jagdish Yadav, Son of Late Etwari Yadav.  
2. Akhlesh Yadav, Son of Narang Yadav All are Resident of Village-  
Amawan, P.S.-Rajauli, District-Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5      04-01-2018

Heard learned counsel for the petitioners and the State.

At the very outset, learned counsel for the petitioners has submitted that he is not pressing the anticipatory bail petition on behalf of petitioner No. 1 namely, Jagdish Yadav and hence, he seeks permission to withdraw the petition.

Accordingly, this petition in respect of petitioner No. 1 is dismissed as withdrawn.

So far as petitioner No. 2 is concerned, he apprehends arrest in Rajauli P.S. Case No. 218 of 2016 instituted for the offence under Sections-302/34 of the Indian Penal Code.

It has been submitted that there is general and omnibus allegation against petitioner No. 2. All the witnesses have not levelled specific allegation against petitioner No. 2 during investigation.

The postmortem report is available in the case diary



wherein the doctor has found rupture in abdomen, a male dead foetus about 8 months old in the abdominal cavity out from the uterus.

Counsel for the petitioner has submitted that the deceased died due to aforesaid complication during pregnancy.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 2 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 in Rajauli P.S. Case No. 218 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Nawada 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 No. 2 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 be liable to cancel his bail bond and (3) if petitioner No. 2 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 No. 2.

**(Sanjay Priya, J)**

A.K.V./-

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