

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2409 of 2018

Arising Out of PS.Case No. -439 Year- 2017 Thana -BANKA District- BANKA

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1. Saurav Kumar, son of Bibhishan Yadav, resident of Village- Majlishpur,
P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Banka P.S. Case No. 439 of 2017 which was initially instituted for the offence under Sections-363, 365 of the Indian Penal Code and later on, Section-302 of the Indian Penal Code was also added.

It has been submitted that the petitioner is not named in the written report. His name has come during investigation in confessional statement of co-accused Jitendra Yadav.

In the written report, it is alleged that son of the informant went along with Roushan Kumar and Chhotu Kumar but his son did not return. The dead boy of son of the informant was recovered from Chandan river near Bhaiharan Asthan.

It has been submitted that other co-accused namely, Jagdish Yadav with similar allegation has been granted anticipatory bail by this



court vide order dated 13-10-2017 passed in Cr. Misc. No. 44700 of 2017.

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 in Banka P.S. Case No. 439 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 liable to 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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