

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2683 of 2018

Arising Out of PS.Case No. -53 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

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Sitaram Yadav, aged about 50 years, Son of late Ram Kirpal Yadav
Resident of Village- Ramauli, P.S. Hayaghat, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Shama Sinha, Advocate.

For the Opposite Party/s : Mr. Indra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 15-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Hayaghat P.S.**

Case No. 53 of 2017 instituted for the offence under Sections
302/34 and Section 120(B) of the Indian Penal Code.

It has been submitted that petitioner is *Chowkidar*.

There was dispute between family of the deceased and family of
the co-accused Devendra Sada for a piece of land situated behind
their house.

Learned counsel for the petitioner has stated in
paragraph-8 of the bail petition that both the parties due to land
dispute have lodged cases against each other, such as, Hayaghat
P.S. Case No. 116 of 2013, Hayaghat P.S. Case No. 17 of 2017
and Hayaghat P.S. Case No. 17 of 2016. The petitioner being the



Chowkidar was mediating between the parties in one of cases vide Hayaghat P.S. Case No. 16 of 2016. Therefore, the name of this petitioner has also been added in the instant case.

In the written report there is no allegation of any specific overt act against this petitioner. It is only alleged that on the instigation of the petitioner, the accused persons committed “*Mar-Pit*” with husband of the informant as a result of which, he died.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Hayaghat P.S. Case No. 53 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Darbhanga**, subject to the conditions as laid down under Section 438 (2) 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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