

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39381 of 2018

Arising Out of PS.Case No. -168 Year- 2015 Thana -JAYNAGAR District- MADHUBANI

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Ram Kumar Yadav, Son of Raja Ram Yadav, Resident of Village- Radha Kant, P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 307/34 of the Indian Penal Code and Sections 3/4 of Explosive Substances Act.

The prosecution case got initiated with the written report of Sonu Kumar Yadav submitted to the Station House Officer, Jainagar P.S., is to the effect that on 09.07.2015 at 9.30 P.M. the informant's family went to sleep after taking dinner. At 10.30 P.M., the informant's father, Ramsogarath Yadav and grandmother, Kusma Devi woke after hearing sound of scaling of 5-6 persons. Subsequently, an explosion occurred in the courtyard of the house in which six persons were



identified including the petitioner. The father of the informant succumbed to the injury whereas the grandmother survived the injuries.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the petitioner is named as identified by the informant. However, during investigation the informant submitted an application before S.P., Madhubani that due to the darkness in the night he could not identify anybody. Though, on conclusion of investigation with regard to some other accused persons initial charge sheet was submitted vide Charge Sheet No. 242 of 2016 dated 31.10.2016 against co-accused Tulanand Yadav and Devanand Yadav and the investigation was kept pending against the petitioner and others and thereafter vide Final Report No. 13 of 2018 dated 30.01.2018 the final report was submitted against the petitioner, co-accused Saroj Yadav and Dinesh Kumar Yadav but they were not sent up for trial, however, differing with the final form the learned Magistrate vide order dated 26.02.2018 took cognizance of the offence and issued processes against the petitioner and others. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and charge sheeted accused have been granted bail and they are



facing trial.

Learned APP, however, submits that the petitioner was not sent up for trial but finding, prima facie, case cognizance has been taken and process has been issued against the petitioner also.

Keeping in view the fact that the petitioner was not sent up for trial and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhubani in connection with Jainagar P.S. Case No. 168 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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