

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41606 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Kamlesh Yadav, son of Deonandan Yadav, resident of Village- Tetar Bigha
Police Station- Rajgir, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Ahtash Ali Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Giriak P.S. Case No. 40 of 2018** instituted for the offence under Sections 147, 148, 149, 307, 427, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that the instant case is counter blast of Giriak P.S. Case No. 39 of 2018 lodged by co-accused Sanjay Yadav against the informant, her husband and others for the offence under Section 307 Indian Penal Code and other allied Sections, in which, two persons from the petitioner's side have sustained injury.

In the instant case there is general and omnibus allegation that the petitioner variously armed with deadly weapons arrived and started firing with intention to kill the informant and others, who fled away in order to save their lives.



From the written report itself it appears that nobody has sustained injury. The occurrence has taken place on account of land dispute between the parties.

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 **Giriak P.S. Case No. 40 of 2018**, 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-I, Nalanda at Biharsharif**, 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 his 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.

(Sanjay Priya, J)

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