

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44354 of 2018

Arising Out of P.S.C.ase No. -12 Year- 2011 Thana -MANIHARI District- MUZAFFARPUR

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1. Sandeep Kumar Yadav S/o Rajeshwar Yadav @ Rajeshwar Rai, R/o Vill.- Bhuwan Chapra, Tola- Kharki Kuawa, P.S.- Chakiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Smt Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Maniyari P.S. Case No. 12/2011, instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 411 of the Indian Penal Code is also added.

Learned counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. It is alleged in the written report that a dead body of unknown person was found lying in the eastern side of the road, who was aged about 60 years. An empty cartridge was also found near the dead body. On the fullpant of the



dead body, there was name of Maharaja Tailor, Bargania and nothing was found from the pocket of the deceased to have identified the deceased. It is also alleged that unknown persons had committed murder and thrown the dead body. Name of this petitioner has come after seven years of the F.I.R. during the course of investigation on the ground that his mobile was used by one of the co-accused, namely, Jassa @ Jaswant Singh @ Manprit Singh, who was arrested and his confessional statement was also recorded, which is mentioned in detail in impugned order.

Considering the facts and circumstances of the case, the 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 Maniyari P.S. Case No. 12/2011, 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 the learned Sub-Divisional Judicial Magistrate (W.), Muzaffarpur, subject to the conditions as laid down under Section 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 automatically cancel bail bond of the petitioner and (3) if petitioner tamper 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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