

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47594 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- AAJAM NAGAR District- Katihar

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1. Laxman Yadav, Son of Nagendra Yadav,
2. Mohan Yadav, Son of Bokia Yadav @ Kailash Yadav, Both
resident of Village- Kaliganj, P.S.- Azamnagar, District- Katihar.
... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 31-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Azamnagar P.S. Case
No. 123 of 2018, instituted for the offence under Section(s) 302
and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner
no. 1 is named in the written report merely on suspicion and
there is no mention about the name of petitioner no. 2 in the
written report. His name has come during investigation in the
confessional statement of co-accused Ganesh Das. In the written
report, there is allegation that Ganesh Das called the husband of
the informant and on that call when he went to meet Ganesh
Das, he did not return back. Later on, dead body of the husband
of the informant was found. It is mentioned in the written report



itself that there was land dispute between Ganesh Das and the husband of the informant. Informant has merely raised suspicion against petitioner no.1 in the written report. Petitioner no2 is not named in the written report. His name has come during investigation in the confessional statement of co-accused Ganesh Das.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Azamnagar P.S.Case No. 123 of 2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of ACJM-VI, Katihar; 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) petitioners 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 petitioners and (3) if petitioners 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
petitioners.

(Sanjay Priya, J)

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