

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28907 of 2018**

Arising Out of PS.Case No. -137 Year- 2016 Thana -KAUAKOL District- NAWADA

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Nitish Kumar S/o Surendra Yadav, R/o Vill./Mohalla- Badraji, P.S.-  
Kauakol, District- Nawada.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 18-06-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Kauakol P.S.**

**Case No. 137 of 2016** instituted for the offence under Section(s)  
323, 341, 307 and 304(B)/34 Indian Penal Code.

Counsel for the petitioner submits that he is Dewar  
of the deceased, who is living separately from the husband of the  
deceased. Counsel for the petitioner further submits that the  
police after investigation submitted final form against the  
petitioner showing him innocent, but the Court below vide order  
dated 08.09.2017 after differing with the final form has taken  
cognizance against the petitioner. The aforesaid order has been  
enclosed as Annexure-3.

In the written report, there is general and omnibus



allegation against the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Kauakol P.S. Case No. 137 of 2016**, 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 **Additional Chief Judicial Magistrate, IV, Nawada**, 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)

JA/-  
Rohit Kr.

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