

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27845 of 2018

Arising Out of PS. Case No.-138 Year-2017 Thana- CHANAN District- Lakhisarai

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Jiwan Sardar @ Jiwan Yadav, S/o Amrit Yadav, R/o Village- Pipariya, P.S.-
Pipariya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 18-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Chanan P.S. case no. 138
of 2017 instituted for the offence under Sections 341, 323, 504,
506, 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that in the
written report there is specific allegation that cousin brother of the
informant arrived and informed him that one Karu Yadav has
killed his father. The name of this petitioner has surfaced in the
instant case as some of the persons present at the house of the
informant were talking that there was some altercation with the
petitioner and Parindra Yadav for distribution of amount who fled
away from the place of occurrence. But the police not bothered to



mention the name and address of the said persons who were talking like this. It is further alleged that father of the informant intervened. As a result of which accused Karu Yadav killed his father by fire arm. The name of this petitioner has come only as the person who was present at the place of occurrence along with four other persons.

The learned counsel for the petitioner has submitted that as soon as the informant came to know about the implication of the petitioner in the present case, he filed a protest petition as well as an affidavit before the court below denying the involvement of the petitioner in the murder of his father.

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 Chanan P.S. case no. 138 of 2017, G.R.No. 1305 of 2017, 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 ACJM, 1st Lakhisarai, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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