

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41162 of 2018

Arising Out of PS. Case No.-184 Year-2018 Thana- NATHNAGAR District- Bhagalpur

1. Sahindra Yadav, Son of Uttam Yadav,
2. Bivo Yadav @ Bibhash Kumar @ Bibho Yadav, Son of Ajay Yadav, Both resident of Village- Bhaturiya, P.S. Madhusudanpur, District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 03-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Nath Nagar (Madhusudanpur) P.S. case no. 184 of 2018 instituted for the offence under Section(s) 302/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the entire allegation against this petitioner is that he was last seen with the deceased.

In the written report, it alleged that husband of the informant went with this petitioner and other accused persons and he did not return till morning. The informant enquired from SadanandYadav about her husband. But he did not give any information. Thereafter, informant made search. Subsequently, she came to know that one dead body covered with earth was



lying near river.

The case diary has been received.

Learned APP, after perusing the case diary, submits that there is no any allegation of specific overt act against this petitioner. The petitioner is alleged to have taken the husband of the informant with him. Besides this, there is no any specific allegation levelled against him.

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 Nath Nagar (Madhusudanpur) P.S. case no. 184 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 the CJM, Bhagalpur, 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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