

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20060 of 2018

Arising Out of PS. Case No.-22 Year-2012 Thana- KAHALGAON District- Bhagalpur

Sadanand Tanti, S/o Late Ramadhin Tanti, R/o Village- Anandipur, P.S.-
Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. (Dr.)Manoj Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 302/34 of the Indian
Penal Code.

The prosecution case got initiated on the Fardbeyan of
Sarita Devi, recorded by Sub-Inspector of Police, Bikash Kumar
Singh of Kahalgaon Police Station on 04.01.2012 at 10.55
A.M., at Jawahar Lal Nehru Medical College and Hospital to
the effect that the husband of the informant, Kailash Yadav was
a truck driver. Co-accused Kuku Yadav and Jito Yadav, happens
to be brother-in-law of the informant, but since they were



criminal minded, they were not allowed by the husband of the informant to enter into the house. On 23.01.2012, at 10.00 P.M., they entered into the house of the informant, which was protested by the husband of the informant. As a result, the accused persons started abusing and assaulting him with lathi and iron rod and dragged him near a handpump and assaulted him by lathi and iron rod. In the meantime, co-accused Suran Tanti, Pampi Tanti and the petitioner Sadanand Tanti reached there and all the accused persons assaulted the husband of the informant brutally, as a result of which he got unconscious. When the informant went to rescue him, the accused persons pulled her Sari. The informant took her husband to Mayaganj Hospital, Bhagalpur for providing medical assistance. Subsequently, the husband of the informant succumbed to his injuries.

It is submitted by learned counsel for the petitioner that on conclusion of investigation, the petitioner was not sent up for trial, but differing with the Final Form, the charge-sheet was submitted against the petitioner. A certified copy of the Final Form/Report has been produced. Let the same be kept on record. It is further submitted that the co-accused, Suran Tanti, and Pumpi Tanti have been granted anticipatory bail by a co-



ordinate Bench of this Court vide Criminal Miscellaneous No. 61101 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Though this Court is reluctant to consider the prayer for anticipatory bail of the petitioner since the case was registered in 2012 and the present application has been preferred in 2018, but considering the fact that the co-accused Suran Tanti and Pumpi Tanti have been granted anticipatory bail by a co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XIII, Bhagalpur, in connection with Kahalgaon P.S. Case No.22/2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the learned Court will be at liberty to cancel the



bail bonds of the petitioner, if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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