

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7455 of 2018

Arising Out of PS.Case No. -108 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Bindal Yadav, son of Shyam Narayan Yadav, resident of village-
Chandaura, Tola- Mohan Bigha, Police Station- Kako, District-
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

Mr. Sanjeev Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 08-03-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the informant.

Petitioner apprehends his arrest in **Kako P.S. Case No.108 of 2017** instituted for the offence under Section(s) 302 and other allied sections of Indian Penal Code and Section 27 of the Arms Act.

Counsel for the informant has submitted that total seven cases are pending against this petitioner. He has further submitted that the witnesses in para 43 and 56 have taken name of this petitioner.

Learned counsel for the State has submitted that witnesses in those paragraphs have taken the name of this petitioner. In the post mortem report, doctor has found injury by



hard and blunt substance.

Counsel for the petitioner has submitted that in para 43 and 56 of case diary there is specific allegation against Shailesh Yadav and Umesh Yadav of assaulting Manoj Yadav with *Khanti, Lathi* etc.

Counsel for the petitioner has further submitted that in the written report, there is specific allegation that this petitioner fired on Shrawan Yadav, but it did not hit Sharwan Yadav. There is no allegation against this petitioner of assaulting Manoj Yadav (since deceased) with *Khanti*.

From *fard-e-beyan*, it appear that there is specific allegation against Umesh Yadav and Shailesh Yadav of assaulting Manoj Yadav with iron rod, *Khanti* on account of which he sustained bleeding injury and fell down. Thereafter, it is alleged that Rajesh Yadav assaulted Manoj Yadav with iron rod causing injury in his hand.

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 **Kako P.S. Case No.108 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 **Chief Judicial Magistrate, Jahanabad**, 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)

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