

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12438 of 2018

Arising Out of PS.Case No. -231 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Surendra Yadav @ Sulendra Yadav @ Sulendra, Son of Sri Rasik Lal Yadav, Permanent resident of Village- Kewatgama, P.S.- Kusheshwar Asthan, District- Darbhanga, at present House No.- C-200, Ground Floor, Gali No.-7, Near Jain Dharamshala, Garhi Mendu, Seelampur, P.S.- New Usmanpur, North East Delhi, Delhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Kusheshwar Asthan P.S. Case No. 231 of 2016** instituted for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

In the written report it is alleged that the informant got information that his father has been shot dead near grave-yard (Qabristan), he rushed to the place of occurrence and found his father lying dead on the ground. Arun Yadav who was found present at the place of occurrence told him that while he was going to bring diesel by his Motorcycle and reached near



Qabristan, then in the light of Motorcycle he saw Sikandar Yadav and Binod Yadav along with 5-6 other persons running away after making firing on father of the informant. The informant has further stated in the written report that while he was going to see his father along with the villagers, he saw that this petitioner along with other accused persons were rapidly going and they were perplexed. Besides such suspicion, there is no specific overt act against the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Kusheshwar Asthan P.S. Case No. 231 of 2016 corresponding to G.R. No. 880 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 **learned Sub Divisional Judicial Magistrate, Biraul at Benipur**, 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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