

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30903 of 2018

Arising Out of PS. Case No.-200 Year-2005 Thana- DHANARUA District- Patna

Karu Yadav S/o Ramdeo Yadav, R/o Vill.- Pakaura, P.S.- Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP 67

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with Dhanaua P.S. Case No. 200 of 2005 instituted for the offences under Sections 324, 307 and 302 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the police after investigation submitted final form against this petitioner, but, the Court after differing with the final form taken cognizance by order, dated 20.07.2009. Petitioner has neither received any summon nor warrant of arrest. But, when petitioner learnt about the issuance of non-bailable warrant of arrest, then, he has moved for the anticipatory bail



in the Court below. It is submitted that no process under Section 82 of the Criminal Procedure Code has been issued against the petitioner. The petitioner has not been named in the first information report. In the written report the specific allegation is against Dara Singh of causing death of son of the informant by fire arm. Similarly there is specific allegation against co-accused, Arun Singh, son of Dara Singh causing fire arm injury to Vijay Yadav.

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 Dhanaua P.S. Case No. 200 of 2005 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 Subdivisional Judicial Magistrate, Masaurhi, Patna, subject to the conditions as laid down under Section 438(2) Criminal Procedure Code 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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