

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46164 of 2018

Arising Out of PS. Case No.-214 Year-2017 Thana- BUXAR MUFFSIL District- Buxar

Vivekanand Yadav @ Chhotoo Yadav S/o Sri Parmamand Yadav, R/o Vill.-
Visheshher Dera, Chakki, P.S.- Brahampur, District- Buxar, At present R/o
Golambar Buxar, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh

For the Opposite Party/s : Mr. Sri Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-08-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

Petitioner apprehends his arrest in Buxar (Muffasil) P.S.
case no. 214 of 2017 instituted for the offence under Section(s)
302,307/34 of the Indian Penal Code and Section 27 Arms
Act.

Learned counsel for the petitioner has submitted that there
is specific allegation in the written report that one Ritesh Yadav
@ Ritesh Singh caused firearm injury to the brother of the
informant, namely, Gopal Jee Dubey, in his chest, on account
of which, he fell down and died. The informant is eye witness as
per the FIR. The name of this petitioner has been disclosed
during investigation by aforesaid Ritesh Yadav @ Ritesh Singh



in his confessional statement before the police.

Learned counsel for the informant has appeared and submitted that co accused, namely, Kishan Yadav and Ritesh Yadav @ Ritesh Singh, in their confessional statements has taken name of this petitioner. He has further submitted that regular bail of one of the co accused has been rejected by coordinate Bench of this Court vide order dated 16.8.2018 passed in Cr. Misc. no. 40503 of 2018.

This court after looking into the impugned order and allegation in the written report finds that there is specific allegation against Ritesh Yadav @ Ritesh Singh of causing fire arm injury in the chest of the brother of the informant on account of which he fell down. Subsequently, he died. Petitioner is not named in the written report. His name has come in the confessional statement of co accused Ritesh Yadav @ Ritesh Singh. It is mentioned in para 3 of the bail petition that petitioner has clean antecedent.

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 Buxar (Muffasil) P.S. case no. 214 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 CJM Buxar, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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