

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15491 of 2018

Arising Out of PS. Case No.-274 Year-2017 Thana- NAUBATPUR District- Patna

Sanjay Kumar @ Sanjay Yadav, son of Late Dewendra Yadav, resident of
Village- Bala Thakur, P.S. Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav

For the Opposite Party/s : Mr. Sri Nityanand

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 08-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Naubatpur P.S. case
no.274 of 2017 instituted for the offence under Section(s)
147,148,149,323,324,325,326,307,302,504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

There is allegation in the written report that this petitioner
with other accused persons armed with deadly weapon
surrounded the son of informant Ravi Shekhar and his nephew
Subodh Kumar and Sudhir Kumar in the field and brutally
assaulted with sword, farsa etc. It is further alleged that
petitioner was armed with country made pistol and also
assaulted the son of the of informant and his other family
members on account of which the son of the informant died and



his nephew Sudhir and Subodh sustained injuries.

The case diary has been received. The postmortem report has been enclosed with the case diary which shows that the deceased has received three injuries on his person and in the opinion of the doctor the cause of death is hemorrhage and shock as a result of sharp cut injuries.

Learned counsel for the informant has appeared and submitted that anticipatory bail of one of the co accused Ashok Yadav has already been rejected by a co-ordinate bench of this Court by order dated 27.4.18 passed in Cr. Misc. No.22823 of 2018. Learned counsel for the petitioner submits that one of the co- accused, namely Mukesh Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 2.4.18 passed in Cr. Misc. no. 7629 of 2018. It is further submitted that case of this petitioner is on similar footing with co accused Mukesh Yadav as he was also alleged to be armed with fire arm. In the postmortem report, the doctor has not found any fire arm injury on the person of the deceased.

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 Naubatpur P.S. Case no.



274/17, 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 learned ACJM Danapur , 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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