

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60476 of 2017

Arising Out of PS. Case No.-128 Year-2016 Thana- PANDARAK District- Patna

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Pramod Yadav, Son of Late Ramashish Yadav, Resident of Village- Gop Kita,
P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Pandarak P.S. case no.
128 of 2016 instituted for the offence under Section 302/34 of
the Indian Penal Code.

Learned counsel for the petitioner has submitted that
there is no eye witness of this case. The petitioner has been
made accused merely on the basis of hearsay statement made
by the informant in the written report.

The informant has alleged in the written report that his
son had gone to the house of Dular Yadav after taking Rs.
10,000/- (ten thousand) from him to purchase a cow. The
informant learnt from his one of the sons Mukesh Kumar that
his son Randhir Yadav is admitted in Pandarak hospital as he



was assaulted in the house of Dular Yadav after making allegation against him (Randhir Yadav) of theft. The informant has alleged that Dular Yadav after making allegation against his son of committing theft of Rs. 8200/-, assaulted him along with this petitioner and other accused persons as named in the F.I.R. causing serious injury.

The case diary has been received.

The learned A.P.P. after looking into the case diary has submitted that there is no eye witness in the case. He has further submitted that the inquest report is available in the case diary which shows that the police has found the dead body in Pandarak hospital. The inquest report was prepared there. The statement of one of the sons of the informant Mukesh Kumar has been recorded in para 14 of the case diary wherein he has stated that he heard that this petitioner and other accused persons has assaulted his brother who, subsequently, died in hospital during treatment.

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 Pandarak P.S. case no. 128 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 the A.C.J.M. Barh, 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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