

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53802 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -DUMRA District- SITAMARHI

=====

JITENDRA YADAV @ JITENDRA KUMAR

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Dumra P.S. Case No. 44 of 2017 (Rail Darbhanga (Sitamarhi) P.S. Case No. 103 of 2016) instituted for the offence under Sections-302, 201/34 of the Indian Penal Code.

Counsel for the petitioner has submitted that the present case is registered on the basis of letter issued by the Superintendent of Police, Sitamarhi to the SHO, Dumra Police Station indicating therein that the learned District & Sessions Judge, Samastipur vide order his order No. 4 dated 06-02-2017 has transferred the original record of Darbhanga (Sitamarhi) Rail P.S. Case No. 103 of 2016 and on that basis, present FIR has been lodged vide Dumra P.S. Case No. 44 of 2017 on 28-02-2017 for an occurrence of 24-11-2016.

The rail Darbhanga (Sitamarhi) P.S. Case No. 103 of 2016 was lodged by one Shila Devi alleging that her son Samol was called by accused Bachcha Yadav, Jitendra Yadav, Dharmendra Yadav at their



residence and her son was killed and his dead body was thrown on the railway track under jurisdiction of Railway police. The reason behind the occurrence is that her son had got illicit relation with daughter of Bachcha Yadav and due to the aforesaid reason, they had killed her son. It is also alleged in the written report that her son had gone with Upendra Kumar on his motorcycle.

The informant searched her son but no trace was made. In the morning, she got information that dead body of her son is lying at Dumra Railway Track with one hand amputated.

Counsel for the petitioner has submitted that mere suspicion has been raised against this petitioner in the written report. This petitioner is son of Bachcha Yadav and therefore, he has been made accused in this case. Bachcha Yadav with similar allegation has been granted anticipatory bail by a coordinate bench of this court vide order dated 21-07-2017 passed in Cr. Misc. No. 33650 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Dumra P.S. Case No. 44 of 2017 (Rail Darbhanga (Sitamarhi) P.S. Case No. 103 of 2016) to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi subject to condition as laid down u/S 438(2) of the 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 cause, will liable to 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)

A.K.V./-

U		T	
---	--	---	--

