

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.94 of 2018

Arising Out of PS. Case No.-176 Year-2017 Thana- BARBIGHA District- Sheikhpura

Ramashray Yadav, son of Late Falo Yadav, Resident of Village- Malilchak,
P.S. Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Barbigha P.S. case no.
176 of 2017 instituted for the offence under Section(s) 337, 338,
307 and 324/34 of the Indian Penal Code. Later on, Section
302 of the Indian Penal Code was added.

Learned counsel for the petitioner submitted that prior to
this case, the nephew of this petitioner Devendra Yadav had
lodged Barbigha P.S. case no. 42 of 2017 against the informant
and others in which the mother of the informant had died. The
instant case has been filed by the informant, namely, Mahi
Yadav as counter blast levelling allegation that on the date of
occurrence while his daughter -in-law was cooking food in the
house at 6.30 P.M. this petitioner with other accused persons



named in the written report threw a piece of fire in the house on account of which his daughter-in-law Nitu Devi sustained burn injury. She was brought to referral hospital , Barbigha and subsequently she died in P.M.C.H.

The case diary has been received in this case. The statement of the deceased Nitu Devi has been recorded in paragraph no. 25 of the case diary wherein she has not taken the name of this petitioner. Learned counsel for the petitioner has also pointed out Annexure-3 which is letter written by the Sarpanch of Gram Kutchery, Maldah, Sheikhpura duly signed by many villagers to the Superintendent of Police, Sheikhpura and several higher police officials stating that petitioner has falsely been implicated in this case. It is further submitted that petitioner is a government employee posted at Animal Husbandry Hospital, Sheikhpura

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 Barbigha P.S. case no. 176 of 2017 (G.R. No. 531 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 learned C.J.M., Sheikhpura, 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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