

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17010 of 2018

Arising Out of PS.Case No. -48 Year- 2017 Thana -HATHUA District- GOPALGANJ

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1. Upendra Yadav Son of lallan Choudhary@ Lalan Yadav Resident of
Village- Gambhirpur, P.S. Nautan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Hathua P.S. Case No. 48
of 2017 instituted for the offence under Sections-302, 201/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that there is no
allegation of overt act against the petitioner. In the written report it is
alleged that younger son of the informant had gone on motorcycle with
co-accused Vyas Chaudhary and at around 1.30 p.m. Vyas Chaudhary
came to the house of informant and told the informant that while he was
going to Raipura Hathua along with his son, all of a sudden some
unknown persons chased them and started firing, upon which they
accelerated the bike and Bhagwan Gond, son of the informant, fell
down and sustained bullet injury then informant along with his family
rushed to the place of occurrence where his son was lying dead. In this



manner, in the written report itself, there is no allegation of overt act against the petitioner. Petitioner was going on another motorcycle alongwith co-accused Sadhu @ Chandeshwar Singh, who was sitting behind him. Deceased was not sitting on the motorcycle of the petitioner.

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 Hathua P.S. Case No. 48 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj 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 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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