

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80289 of 2018

Arising Out of PS. Case No.-330 Year-2018 Thana- NAWADA District- Nawada

Uday Yadav Son of Late Sibban Yadav Resident of Village- Jaila, P.S.-Rupaw,
Dist-Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kiran Sinha

For the Opposite Party/s : Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-03-2019 This case has been listed 'For Admission' in terms of
the minutes of Hon'ble the Chief Justice kept at Flag 'X'.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends his arrest in Nagar (Kadirganj)
P.S. Case No. 330 of 2018 instituted for the offence under
Section(s) 302/201/120(B)/34 of the Indian Penal Code.

The petitioner was granted provisional anticipatory
bail by order dated 24.1.2019

Learned counsel for petitioner has submitted that
there is no any allegation of overt act against this petitioner.
There is no eye-witness of this case. The allegation against this
petitioner utmost is of last seen. Learned counsel for petitioner
submits that one of the co-accused has already been granted



anticipatory bail by co-ordinate Bench of this Court by order dated 10.09.2018 passed in Criminal Miscellaneous No. 52376 of 2018.

In the written report, it is alleged on the date of occurrence the husband of the informant had gone with this petitioner and three other accused persons as named in the written report. They had altercation in the field. It is further alleged that husband of the informant did not return. The informant learnt on 21.05.2018 at 10:45 am that her husband has been found dead wrapped with sand near Sakri river. The informant has raised suspicion against this petitioner and three other accused persons as named in the written report.

In this manner, the allegation against this petitioner utmost is of last seen.

Learned APP after looking into the case diary has submitted that there is no any eye-witness of the occurrence. The counsel for petitioner has further submitted that one of the co-accused has already been granted anticipatory bail by co-ordinate Bench of this Court by order dated 10.09.2018 passed in Criminal Miscellaneous No. 52376 of 2018.

In the facts and circumstances of the case, provisional bail granted to the petitioner by order dated



24.1.2019 is hereby confirmed, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:

- (1) Both the bailors will be close relative of petitioner.
- (ii) 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
- (iii) If petitioner tampers with the evidence or intimidate 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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