

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47449 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- AIRPORT District- Patna

LALDEO YADAV Son of Loknath Yadav Resident of Mohalla - Sheikhpura,
Mohani Gali, Goriyaashthan, P.S.- Hawai Adda, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh
For the Informant	:	Mr. Manoj Kumar Ambastha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 01-10-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hawai Adda P.S. Case NO. 106 of 2019, disclosing offences under Sections 448,341,384,504,506 of the Indian Penal Code.

It is alleged, *inter alia*, in the First Information Report that 17.05.2019 was the date fixed for evidence in a trial arising out of Hawai Adda P. S. Case No. 44 of 2010 in which the informant was to depose as prosecution witness. The allegation in the First Information Report against the petitioner of having threatened the informant is in relation to earlier FIR registered as Hawai Adda P.S. Case No. 44 of 2010.

The informant has entered appearance and filed counter affidavit also bringing on record the order-sheet of the trial



arising out of Hawai Adda P.S. Case No. 44 of 2010. From the order-sheet, it is evident that 17.05.2019 was not the date fixed for evidence and, therefore, there would have been no question of the petitioner deposing as prosecution witness on 17.05.2019 as indicated in the FIR.

Learned counsel appearing on behalf of the petitioner has submitted that he has been falsely implicated because the petitioner and the informant are neighbours and there is previous enmity between them.

Mr. Manoj Kumar Ambastha, learned counsel for the Informant has vehemently opposed the prayer for anticipatory bail and has submitted that since the petitioner has criminal antecedent, he should not be allowed the privilege of anticipatory bail.

Be that as it may, noticing the apparent inconsistency in the FIR as noted above, in my view, a case for grant of anticipatory bail is made out.

This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on 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 First Class Judicial Magistrate, Patna in Hawai Adda P.S. Case No. 106 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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