

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49233 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- BEN P.S. District- Nalanda

Umesh Yadav Son of Late Rajnandan Yadav Resident of Village- Basodih,
P.S.- Ben, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Ben P.S. Case No. 36 of 2019, registered under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

The allegation against the petitioner is that on 21.03.2019, when Holika Dahan was being done in the field of Umesh Yadav, the protest was made by Umesh Yadav and his family members and at about 12:30 in the night the relation of the petitioner, Umesh Yadav, started pelting stones upon the informant and others. On this act, Nagina Yadav ordered to kill the informant, upon which the wife of the petitioner, Umesh Yadav, brought a gun and Sarvan Yadav fired upon the wife of the informant causing her death.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case due to the fact that “Agja” was burning on his land and further he submits that from perusal of the FIR, no overt act has been alleged against the petitioner. He further submits that it was Nagina Yadav, who ordered to kill the informant, upon which Sharwan Yadav fired upon the wife of the informant causing her death. He further submits that it was not pre-planned killing.

After having heard learned counsel for the parties and taking into consideration the fact that no overt act has been alleged against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Nalanda at Bihar Sharif in connection with Ben P.S. Case No. 36 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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