

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57257 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- PANCHRUKHI District- Siwan

1. Shyam Dev Yadav Son of Late Hakim Yadav Resident of Village-Husepur, P.S-Ekma, District-Saran (Chapra).
2. Amit Yadav @ Amit Kumar Yadav Son of Ashok Yadav Resident of Village-Mandauli, P.S-M.H.Nagar, District-Siwan.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ranjeet Kumar Pandey, Advocate
For the Opposite Party : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners, informant and the State.

Petitioners apprehend their arrest in connection with **Pachrukhi (M.H. Nagar) P.S. Case No. 74 of 2019** instituted for the offence under Section(s) 302, 201, 120/34 of the Indian Penal Code.

Petitioners' counsel submits that merely on the basis of suspicion, the petitioners have been named in the First Information Report.

The prosecution story is that one Priyanka Kumari gave intimation to the informant on phone



that his son (victim) was being assaulted by the family members when he had come to the house of maternal grandfather of the girl (Shyam Dev Yadav). The place of occurrence, as per information given to the police, is at the house of petitioner No.1. In respect of petitioner No.1, there is nothing else on record to suggest implication in the allegations of assault. As regard the petitioner No.2, it is submitted that he is young and aged about 20 years and pursuing his career elsewhere. It is further submitted that he has falsely been implicated in this case.

Learned counsel for the informant, on the other hand, has appeared and opposed the prayer for anticipatory bail. He submits that this Court in respect of the bail application of other co-accused, persons, namely, Ganesh Yadav and Upendra Yadav has rejected their prayer under order dated 25.09.2019, passed in Cr. Misc. No. 47962 of 2019, while allowing the prayer for bail of one of co-accused persons, namely, Manju Devi.

In view of the aforesaid submissions, this



Court is inclined to allow the prayer for bail on behalf of petitioner No.1, namely Shyam Dev Yadav, having regard to the fact that he is 70 years and, even as per the First Information Report, at best, the allegation is that the occurrence had taken place at his house.

In the event of surrender/arrest of the petitioner No1., namely, Shyam Dev Yadav before the court below, within four (04) weeks from today, 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 **A.C.J.M-VI,Siwan,** in connection with **Pachrukhi (M.H. Nagar) P.S. Case No. 74 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioners The bailor will also undertake to inform the Court if there is any change in the address of



the petitioner.

(ii) That the petitioner will be well represented on each date and if he fail to do so on two consecutive dates, his bail bond will be liable to be cancelled.

So far as petitioner no. 2, namely, Amit Yadav @ Amit Kumar Yadav, the prayer for anticipatory bail is rejected.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

