

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83347 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SANHAULA District- Bhagalpur

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KAILASH PRASAD YADAV @ KAILASH YADAV, Son of Late Fekan
Yadav, Resident of Village - Gadakkachak, P.S.- Sanhaulla, Distt.- Bhagalpur.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is as per FIR on 08.01.2019 lady Chowwkidar Phoolmani Devi has submitted a written report before the SHO of Sanhaulla P.S. alleging therein that on account of previous dispute between the petitioner and his brother, a Panchayati was conveyed but dispute could not be resolved and Panches went from there. It is further alleged that due to the said dispute, in the high members of both parties attacked upon each other by resorting to firing as a result, people of the locality came in fear.

Learned counsel for the petitioner submits that the open firing is vague. No incriminating article has been recovered from the place of occurrence and nobody has sustained injury. The



petitioner has got no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Bhagalpur in connection with Sanhaulla P.S. Case No. 06 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J)

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