

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26962 of 2020

Arising Out of PS. Case No.-76 Year-2017 Thana- KORMA District- Sheikhpura

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SANJAY YADAV @ SANJAY KUMAR S/o Late Bhawani Yadav Resident of
Village-Avgil, P.S.-Korma, District-Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Syed Rizwanul Haque, Advocate
For the Opposite Party/s : Mr Md Aslam Ansari, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 19-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Korma Police Station (for brevity, *PS*) Case No 76 of 2017
dated 12.12.2017 instituted for the offence punishable under
Sections 302/34 of Indian Penal Code.

Under order dated 12.11.2020, this Court had called
for a report from the Court below whether process under
Sections 82, 83 of Criminal Procedure Code (for brevity, *Cr P*
C) has been undertaken in the instant case? The report of the
Court concerned has been received. The same states that no
process under Sections 82, 83 of Cr P C has been done so far.

The allegation is that petitioner along with other co-



accused persons have assaulted one Shaligram Sharma (deceased) and threw his dead body in the field regarding which the informant had received information from unknown persons.

Learned counsel for the petitioner submits that it is a case of false implication. The police also submitted final form in favour of the petitioner and he was not sent up for trial. The investigation has revealed some material against co-accused Parmeshwar Yadav and Shila Devi against whom charge sheet was submitted. It is further submitted that co-accused Suresh Yadav and Ram Pravesh Yadav, who are similarly situated as the petitioner, have been allowed the privilege of anticipatory bail by this Court under order dated 26.02.2020 in Cr Misc No 86144 of 2019. The petitioner also claims privilege of anticipatory bail on ground of parity of those co-accused persons.

The learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sheikhpura in Korma PS Case No 76 of 2017 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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 petitioner. 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 fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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