

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57029 of 2022

Arising Out of PS. Case No.-248 Year-2019 Thana- HUSSAINGANJ District- Siwan

JITENDRA KUMAR YADAV @ JIMMI S/o- Shardanand Chaudhari R/o
Village- Pakwaliya (near Kali Mandir) P.S.- Hussainaganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Hussanganj P.S. Case No. 248 of 2019 instituted under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution story, the allegation is that his elder brother whereafter he left home on motorcycle. Later the informant received phone call that one person has been killed and taken to Sadar Hospital, Siwan by the police. Later, the photo was also sent when he identified as his brother, Kalyan Dutt Pandey. The allegation is that a case was going on between Sangita Devi and her in-laws and the date fixed for examination of witnesses (the deceased) was on 2.9.2019 and the killing took place on 1.9.2019.



Learned counsel for the petitioner submits that during the investigation, one Aditya Pandey under confessional statement gave his name. He has absolutely no role to play in the matter, is a Panchayat Teacher and will be abiding by all the terms and conditions.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that he is a Panchayat Teacher, name has come in the confessional statement, he will be cooperating in the investigation and will be diligently appearing in the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Hussanganj P.S. Case No. 248 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight till the conclusion of trial to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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