

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18834 of 2024

Arising Out of PS. Case No.-778 Year-2016 Thana- MADHEPURA District- Madhepura

1. Shambhu Yadav @ Shambhu Kumar Yadav S/O- Ramjee Yadav R/O- Village- Bishanpur, P.S.- Pipra, Dist.- Supaul.
2. Satish Yadav @ Satish Kumar S/O- Bhola Yadav R/O- Village- Bishanpur, P.S.- Pipra, Dist.- Supaul.
3. Gajendra Yadav S/O- Kinu Yadav @ Kinnu Yadav R/O- Village- Basha, P.S.- Pipra, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioners is that on the alleged date and time of the occurrence, all the F.I.R. named accused persons including these petitioners riding on Sumo vehicle came at the door of the informant and forcefully took away his cousin brother. It is further alleged that on the next morning, informant came to know from the villagers that his



cousin brother has been killed and the dead body is lying in the Hospital. Informant suspects that all the F.I.R. named accused persons including these petitioners, committed murder of his cousin brother.

4. Learned counsel for the petitioners submits that from bare perusal of *Fardbayan* of the informant, it is evident that informant is not an eye witness of the occurrence and only on suspicion these petitioners have been made accused in this case. During course of investigation, none of the witnesses have claimed that they have seen the occurrence or these petitioners committing the offence. Police after investigation submitted final form on 18.05.2018 against the petitioners and others, differing with the same learned Magistrate took cognizance against the petitioner. He lastly submits that petitioner Nos. 1 and 3 claim clean antecedent and petitioner No. 2 has got one criminal antecedent in which he is on bail.

5. Considering the nature of accusation, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of Chief Judicial Magistrate, Madhepura in connection with Madhepura P. S. Case No. 778 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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