

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50048 of 2015

Arising Out of PS.Case No. -8 Year- 2008 Thana -PARBATTa District- BHAGALPUR

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1. Devanand Yadav Son of Bhupendra Yadav, resident of village - Jagatpur, P.S. - Parbatta, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-12-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Parbatta P.S. Case No. 08 of 2008 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 25(1-B)a/26/27 of the Arms Act.

The petitioner is not named in the F.I.R. and the name of the petitioner transpired in further statement of the informant and in the statement of witnesses, during investigation and accordingly, the petitioner and others were chargesheeted but the petitioner remained absconding. Ambo Yadav faced trial vide S.T. No. 692A/10 and he has been acquitted by judgment dated 1.03.2014 passed by 4th Additional Sessions Judge, Naugachiya.



Submission is of false implication and that the petitioner has no knowledge about the case. From F.I.R., it is apparent that the informant, being the eye witness, has named the accused person but the petitioner is not named, petitioner has been named later on. The petitioner was not aware that he has been chargesheeted and he was living in Punjab to earn his livelihood but last year, when he came to his village to sell some ancestral land, then he was arrested by the police and came to know regarding his implication in this false case. The petitioner undertakes to remain vigilant in future and now by remaining in custody since 21.04.2015, he has been sufficiently penalized.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner remains absconding.

In the facts and circumstances stated above, considering that co-accused who was named in the F.I.R. has already been acquitted and the petitioner by remaining in custody has been sufficiently penalized at this stage and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned 2nd Additional District & Sessions Judge, Naugachiya (Distt.- Bhagalpur) arising out of Parbatta P.S. Case No. 08 of 2008

subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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