

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45323 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -DEO District- AURANGABAD

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Harihar Yadav Son of Kailash Yadav Resident of village- Sandha, P.S.-
Hussainganj, District- Palamu (Jharkhand) Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence under sections 147, 148, 149, 124(A) and 386 IPC and 25(1-b)a, 26/35 of the Arms Act and 17 Cr.L.A Act. Police, on secret information, detained and searched five persons and recovered Rs. 20,000/- and a mobile phone from the possession of the petitioner.

Counsel for the petitioner submits that he has falsely been implicated in this case as no incriminating was recovered from him for which he is already in custody since 17.7.2017. Prior to the instant case, no case is pending against him.

In view of the aforesaid submissions, let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangbad in Deo Police Station Case No. 69 of 2017, on the following conditions:-

(a) 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 him. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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