

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25844 of 2017

Arising Out of PS.Case No. -58 Year- 2017 Thana -BIHRA District- SAHARSA

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Parmeshwary Yadav @ Parmeshwari Yadav, son of Late Budho Yadav @ Budhu Yadav, resident of Village- Menha, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 14.03.2017 in connection with Bihra P.S. Case No. 58 of 2017 registered for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by one Bhaltu Yadav, cousin brother of the deceased Dhuchay Yadav, is that wife of Kari Yadav brother of the deceased and wife of Sudhir Yadav had quarreled on earlier date and on the next date at 3:00 A.M. in the night, petitioner along with Sudhir Yadav and other co-accused entered in the house of the deceased, searched for Kari Yadav and when he was not found, Sudhir Yadav inflicted fire-arm injury on



the deceased, resultantly he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated on the basis of suspicion. There is specific allegation of firing against Sudhir Yadav and not against the petitioner and being father-in-law of Sudhir Yadav, he has been falsely implicated. It has further been submitted that the petitioner bears no criminal history and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is also submitted that petitioner undertakes to cooperate during trial.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that petitioner along with other co-accused, including Sudhir Yadav has killed the deceased.

Be that as it may, considering the facts and circumstances, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 58 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner, who would file an affidavit stating his relation with the petitioner and



that the said bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court. Petitioner will also appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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