

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10440 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- PHULWARIA District- Begusarai

Ram Swarath Yadav, aged about 63 years, Gender-Male, Son of Late Nekchhedi Yadav Resident of Village- Baro Kadirchak, P.S.- Phulwaria, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. S.K. Lal,
Mr. Pritish Kumar Lal, Advocates
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302, 326 and 34 of the Indian Penal Code registered in connection with Phulwaria P.S. Case No. 114 of 2018.

3. It is submitted that the petitioner has been falsely implicated as according to the FIR, he is said to be merely order giver and no overt act whatsoever has been attributed to him. The thrust of accusation of assault with lathi, Danda and sickle is upon co-accused Binod Yadav. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Phulwaria P.S. Case No. 114 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --



(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/Chandran

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