

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76038 of 2018

Arising Out of PS. Case No.-421 Year-2017 Thana- JHAJHA District- Jamui *

Situ Yadav @ Vishwas Jaymant S/o Late Jagdish Yadav, resident of Village-
Karahara, P.S.- Jhajha, District- Jamui.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 423 and 307/34 of the Indian Penal Code registered in connection with Jhajha P.S. Case No. 421 of 2017. Subsequently, Section 302 of the IPC has been added.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and the informant is not an eye-witness to the alleged occurrence. There is inordinate delay in instituting the first information report on 28.12.2017 for the alleged occurrence of 27.11.2017. Co-accused Manik Yadav @ Manikchand Yadav has been granted anticipatory bail by this Court vide order dated 05.11.2018 passed in Cr. Misc. No. 65962 of 2018. The petitioner claims clean antecedents.

4. A perusal of paragraphs 26 and 27 of the case diary discloses that some witnesses such as Akbar Khurana and Balmiki Paswan, both claiming to be the eye-witnesses, have stated that the informant's son along with the petitioner and Dinesh Yadav were travelling on the motor-cycle and then they met with accident



causing severe injuries to the deceased.

5. 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 Sub-Divisional Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 421 of 2017, subject to the conditions as laid down under Section 438 (2) of the 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.

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(Vikash Jain, J)

