

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22862 of 2019**

Arising Out of PS. Case No.-252 Year-2018 Thana- BIHIA District- Bhojpur
=====

DHARMENDRA YADAV, aged about 30 years, male, Son of Late Jaga Yadav
Resident of Village - Katiya, P.S.- Bihiya, District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Bhushan Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-04-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 395 of the Indian Penal Code registered in
connection with Bihiya P.S. Case No. 252 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the F.I.R. is against unknown persons. The
informant has subsequently filed a petition before the learned
A.C.J.M-V, Ara stating that the petitioner has been known to him
since long and he was in no way connected with the occurrence.
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 provisional bail on furnishing bail bond
of Rs.10,000/- (ten thousand) with two sureties of like amount
each to the satisfaction of learned Additional Chief Judicial
Magistrate-5, Ara in connection with Bihiya P.S. Case No. 252 of
2018, subject to the conditions as laid down under Section 438



(2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

5. The provisional bail shall be confirmed upon verification by the learned Court below with respect to the aforesaid petition filed before the learned A.C.J.M. V, Ara absolving the petitioner from the occurrence. In case the petitioner's claim fails upon verification, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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