

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69388 of 2018

Arising Out of PS. Case No.-66 Year-2017 Thana- GHOSWARI District- Patna

Ramotar Yadav, Son of Kishori Yadav, Resident of Village- Gilani, Police Station- Sare, District- Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Bipin Kumar, Advocate
For the State	:	APP
For the Informant	:	Mr. Manoj Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 28-02-2019 Heard learned senior counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302, 120(B) and 201/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Ghoswari P.S. Case No. 66 of 2017.

3. It is submitted that the petitioner has been falsely implicated and admittedly there is past dispute between the parties. It is also admitted that the deceased had accompanied co-accused Ramu Paswan on the motor-cycle with Rs. 1,50,000/- for engaging labourers. No overt act has been alleged against the petitioner and except suspicion, there is no objective material to connect him with the alleged occurrence. It is submitted that Scorpio vehicle in question was not registered in the name of the petitioner. Similarly situated co-accused Shishupal Kumar has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 05.02.2019 passed in Cr. Misc. No. 70453 of 2018. The petitioner is on bail in respect of all the prior cases in which he is accused, some of them having been instituted by the informant's side.

4. Learned APP assisted by learned counsel for the informant opposes the anticipatory bail petition. However, no



substantial material has been shown against the petitioner from the case diary. In the confessional statement of co-accused Ramu Paswan with whom the deceased was last seen, the petitioner has also not been named.

5. Learned counsel for the informant has also pointed out that from the CDR details it is evident that the petitioner was in the vicinity of the place of occurrence and the accused persons along with Scorpio in question were found missing from their houses on the date of occurrence.

6. 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 Additional Chief Judicial Magistrate-III, Barh in connection with Ghoswari P.S. Case No. 66 of 2017, 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.

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(Vikash Jain, J)

