

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66956 of 2018

Arising Out of PS. Case No.-28 Year-2010 Thana- PALI District- Jehanabad

Baleshwar Yadav, Son of Late Suresh Yadav Resident of Village - Bhelu
Bigha, P.S. Kako, District -Jehanabad

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Verma, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 342, 302 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Pali P.S. Case No. 28 of 2010.

3. It is submitted that the petitioner has been falsely implicated and in any event, the accusation of firing with rifle on the father of the informant is upon co-accused Surendra Yadav and with country made Carbine on his chest is upon co-accused Awadhesh Yadav. No specific accusation of firing has been made against the petitioner. Delay has been explained that after completion of investigation of the case, final form was submitted in the year 2013 but differing from the same, cognizance was taken against five accused persons including the petitioner in the year 2016. It is further submitted that a day after institution of the FIR, the informant has raised suspicion about Nanhak Yadav who happened to be one of the witnesses to the fardbeyan. The informant has also filed a petition before the learned Judicial Magistrate, Jehanabad to the effect that



unknown persons had come and killed his father but he could not identify anyone.

4. Learned APP opposes the anticipatory bail petition.

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 Sri P.K. Bharti, learned Judicial Magistrate, 1st Class, Jehanabad in connection with Pali P.S. Case No. 28 of 2010, 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.

BT/Chandran

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(Vikash Jain, J)

