

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68520 of 2018

Arising Out of PS. Case No.-76 Year-2017 Thana- KORMA District- Sheikhpura

Parmeshwar Yadav S/o Late Shivdhari Yadav, resident of Village- Chunnipur (Patrahta), P.S.- Korma, District- Sheikhpura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Syed. Rizwanul Haque, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Korma P.S. Case No. 76 of 2017.

3. It is submitted that the petitioner has been falsely implicated as he is not named in the first information report which is against five named accused persons. After several months, during course of investigation, petitioner's name has surfaced on secret information. Similarly situated co-accused Shila Devi has been granted anticipatory bail by this Court vide order dated 15.02.2019 passed in Cr. Misc. No. 61588 of 2018. The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition and has been heard. Reliance is placed on the statement made in paragraph 105 of the case diary to submit that the petitioner's name has transpired along with his wife that they had murdered the deceased, as stated on the basis of secret information.

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 Chief Judicial Magistrate, Sheikhpura in connection with Korma P.S. Case No. 76 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.

BT/Chandran

(Vikash Jain, J)

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