

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67251 of 2018

Arising Out of PS. Case No.-37 Year-2012 Thana- GOH District- Aurangabad

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Dinanath Yadav S/o Late Mahepat Yadav R/o Village-Sima, P.S. Pauthu in the District of Aurangabad

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 01-02-2019 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, 323, 436, 427 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A. Act registered in connection with Goh P.S. Case No. 37 of 2012.

3. It is submitted that the petitioner has been falsely implicated and his name has transpired on the extra-judicial confession of co-accused Mritunjay Mishra about three and half years after the alleged occurrence. The petitioner was not aware about the case and when the police finally got activated, it is only recently the police has visited the house of the petitioner leading to apprehension of his arrest. It is further stated that in one prior case in which he was made accused, he has been granted bail with the condition pursuant to which he himself has been presenting before the Superintendent of Police, Aurangabad regularly.

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 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, Aurangabad in connection with Goh P.S. Case No. 37 of 2012, 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.

(Vikash Jain, J)

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