

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1062 of 2020**

Arising Out of PS. Case No.-366 Year-2019 Thana- SAHARSA District- Saharsa

BRAJESH YADAV @ BRAJESH KUMAR Son of Nawal Kishore Yadav
Resident of Village - Shahpur, P.S.- Saharsa, District – Saharsa .. Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Amarnath Jha, Advocate
For the Opposite Party : Mr.Syed Mojibur Rahman, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 20-02-2020 Heard learned counsel for the petitioner as well as learned counsel for the State.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and under section 27 of the Arms Act.

Informant alleges that in the evening at 5.30 PM her son had gone to Kachahari Dhala for bringing milk and vegetables but unfortunately merely after an hour she heard that he has been killed. Informant has suspected the hand of FIR named accused persons behind the murder of her son.

Learned counsel for the petitioner submits that the petitioner, who has not been even named in the FIR, has falsely been implicated in this case on the basis of confessional statement of co-accused Md. Mnajur during investigation. Save and except, nothing incriminating has come to connect the petitioner with the offence. Petitioner has got no criminal antecedent.

Considering the facts of the case, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of



the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Saharsa Sadar Police Station Case No. 366 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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