

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9635 of 2022

Arising Out of PS. Case No.-253 Year-2019 Thana- SALAKHUA District- Saharsa

PRINCE KUMAR S/o Krishna Yadav R/o village- Belahi Ward No. 10, P.S.-
Salkhua, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 302, 34 of the IPC and 27 of Arms Act.

Allegedly, the petitioner alongwith other accused persons killed the father of the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to suspicion. No



such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The F.I.R. was lodged against unknown persons and the informant is not an eye witness. There is no specific overt act against the petitioner. Similarly situated co-accused Baleshwar Yadav has been granted anticipatory bail by a co-ordinate bench of this court on 07.10.2021 vide Cr. Misc. No. 3779 of 2021 and after perusal of the case diary the co-accused Shankar Yadav has been granted anticipatory bail in Cr. Misc. No.2635 of 2021 vide order dated 15.11.2011 by a co-ordinate bench of this Court, which is also evident from annexure-3 of the bail application. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused has been granted bail, let the above named petitioner be released on bail, in the event of her arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in Salkhua (Chiraiya O.P.) P.S. Case No.253 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the following condition(s):-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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