

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12688 of 2022

Arising Out of PS. Case No.-25 Year-2013 Thana- HALSI District- Lakhisarai

PARMESHWAR YADAV, son of Late Rohan Yadav Resident of Village -
Barui, Police Station- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Halsi
P.S Case No. 25 of 2013, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per allegation, when the informant and his son
were taking meal at his house at about 09.00 P.M., his
brother Narayan Yadav came there and started abusing and
firing with his rifle, which hit the head of the son of the
informant, due to which he died. It is also alleged that the
petitioner and one Nandu Yadav had also resorted to firing.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even as per FIR, the deceased had died on account of firing by co-accused Nayaran Yadav and there is no allegation against the present petitioner that he shot the deceased dead. The only allegation against the present petitioner is that he was also firing but the FIR no way suggests that there was any connection between the firing by the petitioner and the death of the deceased. He further submits that the petitioner has been languishing in jail since 10.12.2018 i.e. more than 3 years. He also submits that one of the similarly situated co-accused persons, namely, Kari Devi, has already been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 11.11.2013, passed in Cr. Misc No. 45149 of 2013.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of



the petition that the petitioner has earlier been made accused in two other cases, namely, Halsi P.S. Case No. 53 of 2011 and Halsi Ramgarh Chowk P.S. Case No. 71 of 2014.

However, the learned APP for the State vehemently opposes the prayer for bail of the petitioner saying that the alleged offence is serious in nature.

Considering the aforesaid facts, and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Halsi P.S Case No. 25 of 2013, **after framing of charge** on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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