

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57455 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- BARHARA District- Bhojpur

Parmeshwar Yadav, Son of Chandrika Yadav R/o vill - Saraiya, P.S. - Barhara
(Krisangarg), Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Learned counsel for the petitioner is directed to make
correction in paragraph-3 of the petition in course of the day.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
23.04.2023 in connection with Barhara (Krisangarh) P.S. Case
No. 229 of 2023, F.I.R. dated 23.04.2023 for the offences
punishable under Sections 147, 148, 149, 448, 458, 302 &
120(B) of IPC and under Section 27 of Arms Act.

4. According to prosecution case, when the informant
was sleeping after taking dinner, and her father Ghanshyam
Yadav was also sleeping in Palani, the co-villagers Amarnath
Yadav, Omnath Yadav, Bablu Yadav, Anand Yadav, Manager
Yadav, Birender Yadav, Manoj Yadav, Saroj Yadav, Rajesh
Yadav, Priyanshu Yadav, Parmeshwar Yadav, and three unknown



persons have entered into her house with arms and shoot with firearm to her father. Further alleged that last year in November 2022 above said all the persons have catch fire at her house, for which she has gone to court and case has been filed, and for compromising all the said persons have threatened to compromise the case otherwise they will kill her. Further alleged that his co-villager Amarnath Yadav, Omnath Yadav, Bablu Yadav, Anand Yadav, Manejer Yadav, Birender Yadav, Manoda Yadav, Saroj Yadav, Rajesh Yadav, Priyanshu Yadav, Parmeshwar Yadav and three unknown persons along with arms in their hand has killed with firearm. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner that they all fired upon the father of the informant and due to previous dispute the petitioner has been falsely been implicated in this case and prior to the present FIR, the family members of the informant had filed two FIRs against the family members of the petitioner i.e. Barhara P.S. Case No. 268 of



2021 and Barhara P.S. Case No. 572 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.04.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Ara in connection with Barhara (Krisangarh) P.S. Case No. 229 of 2023, subject to the following conditions:-

i. 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, his bail bond shall be cancelled by the Court below.

ii. 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.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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