

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.445 of 2023

Arising Out of PS. Case No.-18 Year-2019 Thana- ALOULI District- Khagaria

PARMANAND YADAV @ PARO YADAV @ PARO SON OF LATE
JUGESHWAR YADAV @ LATE YUGESHWAR YADAV R/O VILLAGE-
SUKHASAN, P.S.- BAKHTIARPUR, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Alauli P.S.
Case No. 18 of 2019 dated 20.01.2019 registered for the offence
under Sections 365, 364 and 120B of the Indian Penal Code.

The husband of the informant along with his
motorcycle is alleged to have been abducted by the petitioner and
others.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused, Md. Rashid.
Save and except the confessional statement of the co-accused, no



cogent material has surfaced against the petitioner during course of investigation suggesting his involvement in the alleged occurrence. Moreover, the co-accused, namely, Md. Rashid @ Raja Mohammad has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.09.2021 passed in Cr. Misc. No. 9419 of 2021 and the other co-accused, namely, Md. Khurshid and Shahabuddin @ Md. Shahabuddin have also been granted bail by a co-ordinate Bench of this Court vide order dated 01.07.2021 and 10.05.2021 passed in Cr. Misc. No. 13982 of 2021 and Cr. Misc. No. 62523 of 2021, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 23.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one and on the basis of paragraph-3 of the petition, he fairly submits that the petitioner has been acquitted from three cases and he has been allowed bail in rest of the cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 18 of



2019/ G.R. No. 194A of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

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