

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56771 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Pankaj Yadav @ Baba Yadav Son of Pasuram Yadav @ Parshuram Yadav
Resident of Village - Mirjapur, P.S. - Raghunathpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr.Abhishek Kumar, learned counsel for the

petitioner and Mr.Abhay Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raghunathpur PS Case No. 265 of 2023, FIR dated 14.11.2023, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have murdered the son of the informant, namely, Karan Singh.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed



any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence even no one has seen the alleged occurrence and co-accused person, namely, Amit yadav @ Amit Kumar Yadav, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No.14744 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and co-accused person, namely, Amit yadav @ Amit Kumar Yadav, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate-1st Class, Siwan in connection with Raghunathpur PS Case No. 265 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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