

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34043 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -BIHPUR District- BHAGALPUR

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1. Bikash Kumar Yadav Son of Sanjay Yadav Resident of village + P.O. Narayanpur, P.S. Bihpur (Bhawanipur), District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Narain Singh

For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 20-08-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The informant is not an eye witness of the alleged occurrence and it is admitted case of the prosecution that the victim was found missing on 09-03-2015 and after that, written report was given on 11-03-2015. The informant claimed that he learnt the name of petitioner and other accused but did not disclose his source of information.

From perusal of impugned order, it appears that similar statement was made by the remaining witnesses. At paragraph-3 of the petition, it has specifically been averred that petitioner does not have any criminal antecedent but the impugned order of learned Sessions Judge reveals that altogether 25 cases are

pending against petitioner as well as his father.

The submission on behalf of the petitioner is that the aforesaid observation of learned Sessions Judge is nothing but only an error on the record and as a matter of fact, petitioner is not an accused in any case except the present one.

Considering the aforesaid facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Bihpur (Bhawanipur) P.S. Case No. 57 of 2015 to the satisfaction of Learned Additional Chief Judicial Magistrate, Naugachia, district-Bhagalpur subject to condition that if, the observation of learned Sessions Judge regarding the pendency of the criminal cases against the petitioner is found correct, the petitioner shall not be released on bail.

(Hemant Kumar Srivastava, J)

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