

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47883 of 2015**

Arising Out of PS.Case No. -78 Year- 2015 Thana -MADANPURA District- AURANGABAD

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1. Manoj Yadav S/o Shyam Sunder Yadav resident of village - Bhaiyaram  
Bigha, P.S. Madanpur, District - Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Anant Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

5      11-12-2015      Heard the learned counsel for the petitioner as well as  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 386, 353 and 120 (B) of the I.P.C,  
section 17 of C.L.A. Act and sections 38, 39 and 40 of U.A.P. Act.

Allegedly, acting on a tip off that the petitioner used  
to receive levy on behalf of Moist and is in active connection with  
the Moist Commander Ram Pravesh Yadav, the conversation of  
the petitioner with Ram Pravesh Yadav on mobile was recorded  
by the police which shows involvement of the petitioner in an  
unlawful work and further the petitioner used to inform the  
organization regarding activity of the police and accordingly the  
case was registered. During investigation the petitioner was

apprehended and he confessed his guilt and further the mobile in question and two cane bombs of 5 kg. and two empty cane bombs were also recovered from the house of the petitioner.

Submission is of false implication and that from paragraph-3 of the case diary it reveals that the petitioner was apprehended on 01.06.2015 itself, nothing was recovered and again the petitioner has been shown to be arrested on 02.06.2015 at 12.15 P.M. and on that date the mobile set is shown to be recovered and further his confessional statement has got recorded and recovery of cane bombs and empty cane bombs have been shown. In all the seizure list there is no independent witness rather the police constables are the witnesses. The informant is also a police officer and the witnesses examined are all police personnel, without any legal and cogent material the petitioner is suffering in custody since 03.06.2015. The call details obtained are not reliable. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by pointing out the alleged recovery.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there

is no chance of tampering with the prosecution evidence and as such the petitioner above named is directed to 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 C.J.M. Aurangabad in Madanpur P.S. Case No. 78 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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