

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47687 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -GAYA RPF CASE District- GAYA

Mithilesh Yadav @ Mithilesh Singh Yadav S/o late Vishnupad Singh
resident of vill- Husainabad, P.S.Phesar, Dist. Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.48733 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -GAYA RPF CASE District- GAYA

Mantu Yadav @ Mantu Kumar S/O Mithilesh Singh Yadav @ Mithilesh
Yadav R/o village Husainabad, P.S.Phesar, Dist. Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.47687 of 2014)

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Rina Sinha(App)

(In Cr.Misc. No.48733 of 2014)

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Rina Sinha(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 25-05-2015 Both the applications arise out of Gaya GRP case

no. 11 of 2014 and as such they have been heard together and are

being disposed of by a common order.

Heard the parties.

After some argument counsel for the petitioners seeks

permission of the Court to withdraw the Cr. Misc. no. 48733 of

2014 enabling the petitioner to surrender and seek bail before the

learned court below. The same is allowed.

Petitioner of Cr. Misc. no. 47687 of 2014 is father of petitioner of Cr. Misc. no. 47833 of 2014 and seeks anticipatory bail.

The prosecution case, in short, as alleged by the person in charge of the Railway crossing is that on the night of the relevant date 4-5 persons entered into the room and committed theft of solar plate as well as the battery and certain iron plates. Recovery of one battery has been shown from the house of the petitioner Mithilesh Yadav.

Contention of the petitioner is that on bare reading of the FIR, it would appear that the petitioner being father aged about 56 years could not be a person participating therein. Unfortunately, one battery having no special mark was allegedly recovered from his house.

Considering the age of the petitioner of Cr. Misc. No. 47687 of 2014 and the relevant facts evidencing from the record, I am persuaded to privilege him with anticipatory bail. Let the petitioner of Cr. Misc. 47687 of 2014, namely, Mithilesh Yadav @ Mithilesh Singh Yadav, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-

(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Railway Magistrate, Gaya in connection with R.P.F. case no. 11 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family members of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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