

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32839 of 2015

Arising Out of PS.Case No. -257 Year- 2014 Thana -PHULPARAS District- MADHUBANI

1. Pramod Yadav Son of Jibachh Yadav resident of Village Phulpras, P.s Phulpras, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.36540 of 2015

Arising Out of PS.Case No. -257 Year- 2014 Thana -PHULPARAS District- MADHUBANI

1. Lochan Yadav @ Ramlochan Yadav Son of Late Jaleshwer Yadav resident of village - Phulpras, P.S. Phulpras, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32839 of 2015)

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

(In Cr.Misc. No.36540 of 2015)

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-11-2015 Above noted both applications have arisen out of one occurrence i.e. Phulpras P.S. Case No. 257 of 2014 registered for the offence punishable under Section 395 of the Indian Penal Code, as such they have been heard together and are being disposed of by this common order.



Allegedly, three motorcycle borne miscreants at the point of pistol snatched the key of Scorpio vehicle upon which three bundles of cotton saree and other articles were loaded worth Rs. 1,00,000/- and fled away with the said vehicle towards Supaul. They further snatched the mobile from Daya Shankar Mishra who was coming with the informant in the said vehicle. After inquiry, the name of miscreants were disclosed including the petitioners.

Submission is of false implication and that nothing has been recovered from their possession, they are in custody since 23.04.2015 and 31.02.2015 respectively, the names of the petitioners have appeared in the present case on the basis of disclosure made by neighbouring shopkeepers who raised suspicion against the petitioners and others and except that there is no material to suggest their involvement in the present case and similarly situated co-accused Guri Shanker Gautam @ Gautam Yadav has been allowed bail by another co-ordinate Bench of this Court vide order dated 19.08.2015 passed in Cr. Misc. No. 23386 of 2015, as such, they deserve sympathetic consideration to which learned APP is not in a position to distinguish the case of the petitioners from that of co-accused.

In the facts and circumstances stated above, the

petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani in connection with Phulpras P.S. Case No. 257 of 2014, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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