

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50541 of 2015

Arising Out of PS.Case No. -19 Year- 2003 Thana -PALASI District- ARRARIA

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1. Manoj Yadav, Son of Late Bateshwar Yadav, resident of Village- Sisauna, Police Station- Jokihat in the district of Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-12-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Palasi P.S. Case No. 19 of 2003 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

Allegedly, the informant being on Govt. duty for collecting sales tax in the fair saw that 11 miscreants on 5 motorcycles at the point of pistol started snatching cash from Horse Trader resulting the informant fled away and hide himself in a village and on inquiry came to know that the petitioner and others were the miscreants.

Submission is of false implication and that the petitioner was not caught at the spot, no incriminating article has



been recovered from his possession, he has not been put on test identification parade and after lapse of 10 years he has been arrested and remanded in this case on 13.07.2015. Other co-accused namely, Dinesh Rathor and Ranjeet Yadav have faced trial vide Sessions Trial No. 603 of 2005 and have been acquitted. The petitioner has no knowledge about this case and he was in judicial custody since 20.10.2003 to 13.11.2006 in other cases but he was not remanded in the present case and after arrest of the petitioner chargesheet has been submitted.

Learned APP fairly submits that two co-accused have already been acquitted.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Manoj Kumar IV, J. M. Ist Class, Araria in connection with Palasi P.S. Case No. 19 of 2003, 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.

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Jitendra Mohan Sharma, J)