

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25157 of 2015

Arising Out of PS.Case No. -511 Year- 2013 Thana -BARACHATTI District- GAYA

1. Sanjay Yadav @ Sanju Yadav S/o Balkeshwar Yadav Resident of Village Belahi, Police Station Magadh Medical, District Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Rajendra Pd. Nat(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 07-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Barachatti P.S. Case No. 511 of 2013 registered for the offences punishable under Sections 395, 397 and 412 of the Indian Penal Code.

Allegedly, the informant being the driver of the truck when came down from the truck as the tyre was punctured then, 7-8 miscreants caught the informant and cleaner, brought them towards forest, kept confined for one and half hour and thereafter, both were again brought in the truck and lastly, they were got down. Their mobiles were also snatched away and then the truck owner was informed through the phone of hotel owner and it was informed that two persons with the said truck have been caught in

Bodh Gaya area and thereafter, informant and cleaner went there and identified the two persons namely, Dilip Paswan and Pramod Paswan and both stated the name of the petitioner also that after hatching conspiracy they have committed the crime.

Submission is of false implication and that nothing has been recovered from possession of the petitioner, name of the petitioner has come in so-called statement of co-accused and the petitioner is in custody since 03.03.2015 but he has not been put on test identification parade. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence. Raj Baban Yadav @ Baban Yadav has been admitted to bail by another Bench of this Court vide order dated 27.08.2015 passed in Cr. Misc. No. 39133 of 2015.

Learned APP opposes the prayer of bail by submitting that the petitioner is named in the FIR.

In the facts and circumstances stated above, considering that the petitioner has not been put on test identification parade and nothing has been recovered from his possession which is evident from the impugned order itself, 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 Shri

Narendra Pal Singh, J. M. Ist class, Sherghati, Gaya in connection with Barachatti P.S. Case No. 511 of 2013, 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)

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