

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50627 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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Ranjan Yadav Son of Hulash Yadav, resident of village-Dawan, P.S.- Jagdishpur, District - Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.50816 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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Nagendra Yadav son of Dudnath Yadav, resident of village- Jaitpur, Police Station- Udwantnagar, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

(In Cr.Misc. No.50627 of 2015)

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. H.A. Khan (APP)

(In Cr.Misc. No.50816 of 2015)

For the Petitioner/s : Mr. Rahul Nath, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 10-11-2015 Heard the parties.

The petitioners in the two applications are accused in a case arising from Udwant Nagar P.S. Case No. 66 of 2015 for offence punishable under Section 395 of the Indian Penal Code.

The FIR is against unknown accused. The allegation is that these accused intercepted the truck of the informant and after

injecting the informant and his khalashi they relieved them of Rs. 20,000/- and also escaped with the truck loaded with 1600 boxes of Kingfisher beer. The informant upon regaining consciousness has registered the FIR against unknown.

Mr. Surendra Kumar Singh has appeared for the petitioner Ranjan Yadav while Mr. Baxi S.R.P. Sinha appears for the petitioner Nagendra Yadav. Learned counsel appearing on behalf of the petitioners jointly submit that these petitioners have been involved in the case merely on the basis of confessional statement and that neither of them have been put on T.I. Parade for identification by the informant. Mr. Surendra Kumar Singh admits to a few cases against the petitioner Ranjan Yadav while Mr. Sinha submits that the antecedent of the petitioner Nagendra Yadav is clean. It is thus the submission of learned counsel that in absence of any material connecting the petitioners with the alleged crime that they have been roped merely on the basis of confessional statement.

Having heard learned counsel for the parties and considering the submission so advanced, let the two petitioners, namely, Ranjan Yadav and Nagendra Yadav be released on bail upon each of them individually furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like

amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No. 66 of 2015 subject to the following conditions:

- (i) The father of the petitioner Ranjan Yadav and the brother of the petitioner Nagendra Yadav would stand as one of the bailor and would file an affidavit in the court below to the effect that they shall inform the court below in case these two petitioners after their release are involved in any further occurrence of criminal nature and whereupon the court below shall be at liberty to cancel the bail bonds of the defaulting petitioner(s) and to take them into custody; and
- (ii) The petitioner(s) shall cooperate in disposal of the criminal case before the court below and shall ensure their attendance on each and every date fixed and their failure to do so on two consecutive dates without reasonable explanation to the satisfaction of the court below would entitle the court below to cancel the bail bonds of the defaulting petitioner(s) and to take them into custody.

S.Sb/-

(Jyoti Saran, J)

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