

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26034 of 2014

Arising Out of PS.Case No. -72 Year- 2012 Thana -BENIPATTI District- MADHUBANI

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1. Pawan Yadav @ Pappu @ Pawan Kumar Yadav Son of Sri Kapileshwar Yadav resident of village- Brahmpur, Punaud Tola, P.S.- Kamtaul, Distt.- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 13-01-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 09.07.2013 in connection with Benipatti P.S.Case No. 72 of 2012 registered under Sections 395 and 397 of the Indian Penal Code but later on, section 412 of the Indian penal code was added

Petitioner is not named in the first information report but it is stated that after committing bank dacoity when miscreants were fleeing away from the place of occurrence the villagers and police party chased the culprits and three dacoits were arrested and some looted cash was recovered from possession of apprehended dacoits, who disclosed the name of their associates including the

petitioner.

Except the so called confessional statement of co-accused, there appears to be nothing against the petitioner. No doubt, learned Sessions Judge has referred some paragraphs of the case diary to show the involvement of the petitioner, in the alleged crime but the aforesaid paragraphs are nothing but only the statements of some witnesses, who named the petitioner on the basis of statement made by apprehended co-accused persons.

Petitioner carries criminal antecedent of near about 12 cases but in the present case as I have already described that except confessional statement of co-accused, there is nothing against the petitioner and up till now petitioner has not been put on test identification parade.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani in connection with Benipatti P.S.Case No. 72 of 2012.

(Hemant Kumar Srivastava, J)

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