

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51983 of 2015

Arising Out of PS.Case No. -318 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

1. Fultun Kumar Yadav @ Fultan Kumar Yadav @ Fultun Yadav, Son of
Late Omer Yadav, Resident of village- Bishanpur Jichho, P.S. Lodipur,
District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.52336 of 2015

Arising Out of PS.Case No. -318 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

1. Mithilesh Yadav @ Mithlesh Yadav son of Sri Kameshwar Pd. Yadav
resident of village - Danda Bajar (Fazilpur) P.S. Goradih, District -
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51983 of 2015)

For the Petitioner/s : Mr. Rajendra Prasad Yadav

For the Opposite Party/s : Mr. Smt. Nirmala Kumari (App)

(In Cr.Misc. No.52336 of 2015)

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 14-12-2015 Heard the Counsels for the petitioners in support of both the
applications and Mr. Uma Nath Mishra, APP for the State.

The petitioners of both the applications seek bail in
connection with Kotwali (Adampur) P.S. Case No. 318 of 2015
registered under Sections 395, 397 and 412 of the Indian Penal
Code and Section 4 of the Explosive Substances Act.



A bank dacoity was committed on 26.5.2015. The Senior Branch Manager lodged the F.I.R. against 5-6 unknown accused persons. In course of investigation, the police arrested the petitioners. Against Fultan Kumar Yadav (petitioner of Cr. Misc. No. 51983 of 2015), the Police found that he was found in possession of SIM card and mobile which was, as per the call details, used in course of commission of the crime. The learned Sessions Judge while rejecting his prayer has dealt with the material available against the petitioners.

Contention of the petitioners is that the seizure memo does not contain his signature. If he was present there and articles were recovered, in all fairness, his signature ought to have been obtained thereon. He has no criminal antecedent and lodged in jail since 14.6.2015.

In the case of Mithilesh Yadav (petitioner of Cr. Misc. No. 52336 of 2015), the police in course of investigation recorded confessional statement of Ruchi Kumari on 29.5.2015. She inculpated in her statement not only her husband but her father as well. On the basis of the confessional statement, the motorcycle containing blood strain cloths was found behind the house of the petitioner. Huge amount of money was recovered from beneath the fridge kept in the house of the petitioner.

Considering the facts and circumstances of the case, I am not persuaded to release them on bail. Their prayer for bail is rejected. They may, however, renew their prayer for the bail if the trial does not record adequate progress within nine months from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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