

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4086 of 2016

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

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1. Mukesh Yadav S/o Late Satrugan Yadav resident of Mohalla - Urdu
Bazar, P.S. Tatarpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

7 28-04-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 395, 397 and 412 of the I.P.C and
section 4 of the Explosive Substance Act.

Allegedly, 5-6 unknown miscreants committed
dacoity in the Gramin Bank, Bhagalpur Branch at Ghantaghar
Chowk and looted away the cash of Rs. 49,10,372/-. During
investigation the name of the petitioner transpires in the
confessional statement of co-accused Vikky Pal @ Vikky Rai Pal
and further other co-accused also confessing his guilt named the
petitioner. From the house of the petitioner and Rupesh Yadav,

both brothers, one T.V.S. starcity motorcycle was recovered which is alleged to be purchased from the looted amount.

Submission is of false implication and that the petitioner is in custody since 27.10.2015 but he has not been put on the test identification parade, there is no legal and tangible material against the petitioner, from earlier the petitioner was involved in only two cases and in both the cases he is on bail, other co-accused, namely, Sattan Yadav, Bipin Yadav, Sanoj Yadav @ Sanjay Yadav, Ruchi Kumari, Rajendra Kumar Pal @ Rajendra Pal and Diwakar Yadav have been allowed bail and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the new motorcycle was recovered from the house of the petitioner and further in C.C.T.V. footage his face was identified.

In the facts and circumstances as stated above, considering that the petitioner has not been put on the test identification parade, no looted articles have been recovered from his possession and other co-accused have been allowed bail and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M.

Bhagalpur in Kotwali (Adampur) P.S. Case No. 318 of 2015, 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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