

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11556 of 2016**

Arising Out of PS.Case No. -1 Year- 2016 Thana -SONO District- JAMUI

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1. Rakesh Kumar @ Prakash Yadav son of Prasadi Yadav, Resident of  
village- Jhakhua, P.S.- Jamui, District- Jamui

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satya Prakash Parasar

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

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

4 04-05-2016

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 and 414 of the I.P.C

Allegedly, unknown criminals surrounded the Bolero  
vehicle of the informant, looted cash and mobile from his  
possession and also of the driver and friend of the informant at the  
point of arms and thereafter all the criminals fled away towards  
Chakai side with the Bolero. During investigation the name of the  
petitioner transpires on the basis of the call detail report and  
further co-accused British Yadav also made confessional  
statement naming other co-accused and on the basis of the  
confession of co-accused British Yadav looted vehicle (Bolero)

was recovered from Asansol and the petitioner has confessed his guilt also and the police seized the vehicle of the petitioner which was used in blocking the road.

Submission is of false implication and that the petitioner has been made victim of the police atrocity, he has got clean antecedent, the name of the petitioner has not come in the confessional statement of co-accused British Yadav which leads to recovery of the looted Bolero and without any fault the petitioner is suffering in custody since 22.01.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner has also not been put on the test identification parade and nothing has been recovered from conscious possession of the petitioner.

The learned A.P.P. fairly submits that British Yadav has taken the name of the petitioner and further Nadim Khan, from whose possession the looted Bolero was recovered, has already been granted bail by the learned court below itself.

In the facts and circumstances as stated above, 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 A.C.J.M. Jamui in Sono P.S. Case No. 01 of 2016, 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)**

Abhay/-

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