

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47242 of 2015

Arising Out of PS.Case No. -220 Year- 2014 Thana -BODHGAYA District- GAYA

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1. Anil Yadav S/o Madheshwar Yadav resident of Village- Dema, Tola Pathara, P.S. Mohanpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2016 Supplementary affidavit has been filed, which is kept on record.

Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Bodhgaya (Cherki) P.S. Case No. 220 of 2014 registered for the offence punishable under Section 395 of the Indian Penal Code.

Allegedly, 8 unknown miscreants after capturing the informant and his brother who were going with truck no. CG04JB-0898 looted away the truck with several articles and further left the informant and his brother after administering some medicine and making them unconscious and tying them with electric pole.

Submission is of false implication and that the



petitioner is suffering in custody since 18.07.2014, he has not been put on T.I.P., and nothing has been recovered from his possession and only on the basis of confessional statement, he has been implicated in this case. No witness has identified the petitioner and similarly situated other co-accused have been allowed bail vide Cri. Misc. No. 21351 of 2015 and 22885 of 2015 by another co-ordinate Bench of this Court and, as such, the petitioner also deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. is not in a position to distinguish the case of the petitioner.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge 8th, Gaya arising out of Bodhgaya (Cherki) Gaya P.S. Case No. 220 of 2014 subject to the conditions that one of the bailors must be 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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