

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51870 of 2015

Arising Out of PS.Case No. -41 Year- 2014 Thana -ALIPUR District- GAYA

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1. Rajesh Yadav @ Bihar Yadav son of Late Tilakdhari Yadav, resident of Village Newdhi P.S. Konch, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 22-06-2016

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 121 (A) and 384 of the I.P.C and section 17 of Cr. L.A. Act.

Allegedly, acting on a tip off raid was conducted by the informant and other police personnel and then one Ram Binay Yadav @ Binay Yadav was arrested, whereas, other succeeded in fleeing away and from possession of Ram Binay Yadav cash and other incriminating articles were recovered and he disclosed the name of the petitioner and others who succeeded in fleeing away.

Submission is of false implication and that nothing has been recovered from possession of the petitioner, there being enmity between the petitioner and Ram Binay Yadav, Ram Binay

Yadav got falsely implicated the petitioner, the petitioner has got no concern with any extremists organization but he has been made accused in some cases, the petitioner is in custody since 04.06.2015 and as such now he deserves sympathetic consideration as there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that the name of the petitioner was taken by the co-accused and from possession of the petitioner nothing has been recovered and as such the petitioner is 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 Sri Jigar Shah, J.M. 1st Class, Gaya in Alipur P.S. Case No. 41 of 2014, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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