

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50895 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -BAUNSI District- BANKA

=====

Munna Yadav Son of Umesh Yadav resident of Simra, P.S. Bounsi, District
- Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
07.09.2016 in connection with Bounsi P.S. Case No. 72 of
2016 registered for the offences punishable under Sections
392 of the Indian Penal Code.

The prosecution case, as lodged on the basis of
the written report of the Manager of the petrol pump, is that
three persons hiding their faces came to the petrol pump and
looted cash of Rs. 11,000/-.

It has been submitted by the counsel for the
petitioner that he is innocent and has been falsely implicated
in the aforesaid offence. He further submits that nothing



incriminating has been recovered from the petitioner, no Test Identification Parade has been conducted and the petitioner has not been named in the First Information Report and it is only on the basis of confessional statement of co-accused in another case, bearing Amarpur P.S. Case No. 174 of 2016 that the petitioner has been falsely implicated. He further submits that charge sheet has been submitted against the petitioner under Section 395 of the Indian Penal Code, whereas the allegation is that accused were only three in number. He submits that the confessional statement of the co-accused has no evidentiary value in the eye of law and since charge-sheet has been submitted, there is no chance of tampering with the evidence.

However, learned A.P.P. for the State submits that during investigation, petitioner's name surfaced, hence, opposes the prayer for bail.

From the material on record, it does not reveal that the petitioner's liberty on bail would adversely affect his trial, hence, in the interest of justice, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Banka in connection with Bounsi P.S. Case No. 72 of 2016.

This direction for bail is subject to further condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when he is directed.

With these observations and directions, this application stands allowed.

,

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--