

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53014 of 2016

Arising Out of PS.Case No. -186 Year- 2016 Thana -BARACHATTI District- GAYA

=====

1. Santosh Yadav Son of Madan Yadav Resident of Village- Khuti Kewal
P.S. Hantarganj, District- Chatra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.06.2016 in connection with Barachatti P.S.Case No. 186 of
2016 registered for the offence punishable under Sections 364,
323 and 307/34 of the Indian Penal Code, Section 27 Arms Act
and under Section 17 C.L.A. Act.

The prosecution case is that while the petitioner was
taking meal in the house of his Grand father, three persons named
in the F.I.R. came on a motorcycle and took away him to various
places and on telephone, they called some persons wherein the
petitioner came, after some time when police arrived, the
informant was left free.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case due to village politics. He further submits that no overt act has been alleged against the petitioner and no case under Sections 307 or 364 of the Indian Penal Code is made out against the petitioner. It is only on the basis of confessional statement of one co-accused Arun Kumar Yadav that the petitioner's name surfaced and confessional statement before the police has no evidentiary value in the eye of law. He further submits that no specific allegation has been made against him.

However, learned A.P.P. for the State submits that the petitioner has four criminal cases, pending against him and hence, opposes the prayer for bail.

Considering the facts and circumstances and the submissions of the parties, 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 Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Barachatti P.S.Case No. 186 of 2016 subject to the condition one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the



concerned police station/Court and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

Sudha/-

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

