

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13394 of 2016

Arising Out of PS.Case No. -459 Year- 2015 Thana -BANKA District- BANKA

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Bimal Yadav, Son of Malku Yadav, Resident of Village - Bhemiya, P.S. - Katoria, District - Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-05-2016 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 147, 148, 149, 447, 341, 323, 325, 307, 438, 427, 506 of the Indian Penal Code and U/S 27 of the Arms Act and 17 of C.L.A. Act.

The petitioner is not named in the first information report and during investigation, it transpires that in committing the crime, the petitioner and others were involved.

Submission is of false implication and that no witness had identified the petitioner at the time of occurrence, only on suspicion, he has been named,

confessional statement of co-accused Ashok Tanti has got no evidentiary value in the eye of law, statement of the witnesses have been recorded after 24 days of the occurrence naming the petitioner and others, which is not reliable, other co-accused Harish Yadav, Mangal Singh, Birendra Kumar Yadav, Jai Ram Yadav, Ranjeet Yadav, Manoj Yadav and Umesh Yadav have already been allowed bail, and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that other accused have been allowed bail.

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 Sri S.P. Singh, Additional District Judge-IV, Banka in connection with S.T. No.354 of 2015/Tr. No.384 of 2016 arising out of Banka P.S. Case No.459 of 2015, 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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