

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13609 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -MAHESHKHUNT District- KHAGARIA

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1. Rajesh Yadav
 2. Rukesh Yadav@Rocky Yadav, Both Sons of Bijo Yadav, Both Resident of Village- Khutiya, Police Station- Mansi, District Khagaria.
Permanent Address; Village- Tikarampur, Police Station Mufassil District Munger.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binay Kumar, Advocate.
For the Opposite Party : Mr. Parmanand Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Maheshkhunt P.S. Case No. 132 of 2015 (G.R. No. 2645 of 2015) registered for the offence punishable under Section 395 of the Indian Penal Code.

Allegedly, five unknown miscreants intercepted the informant, Press Reporter of Hindustan Newspaper and robbed his mobile set, purse, wrist watch etc and the purse was containing A.T.M. Card, PAN Card, Voter I-Card, Driving License and cash amount of Rs. 1000/-. During investigation, SIM used in looted

mobile was found of one Nibha Devi and the petitioner Rukesh Yadav @ Rocky Yadav being her nephew was found using the same and accordingly he confessed his guilt stating the name of other co-accused also.

Submission is of false implication and that nothing has been recovered from the conscious possession of the petitioners, they have not been put on T.I.P, they have been remanded in this case from Mansi P.S. Case No. 238 of 2015 without any material, the alleged confessional statement of the petitioner Rukesh Yadav @ Rocky Yadav has got no evidentiary value in the eye of law and as such they deserve sympathetic consideration to which the learned A.P.P. opposes the prayer of bail by submitting that the petitioners have got criminal antecedent also.

In the facts and circumstances stated above, considering that the petitioner Rukesh Yadav @ Rocky Yadav was using the SIM in looted mobile and he has confessed his guilt also and as such I am not inclined to enlarge the petitioner Rukesh Yadav @ Rocky Yadav on bail. Accordingly his such prayer stands rejected.

However, considering that against Rajesh Yadav there is no other material and as such the petitioner Rajesh Yadav is

directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Maheshkhunt P.S. Case No.132 of 2015, subject to 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.

However, let the trial be expedited and concluded preferably within six months from the date of receipt/production of a copy of this order failing which the petitioner Rukesh Yadav @ Rocky Yadav may be at liberty to renew his prayer for bail if he will be found at no fault.

(Jitendra Mohan Sharma, J.)

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