

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53065 of 2016

Arising Out of PS.Case No. -6 Year- 2015 Thana -PHULPARAS District- MADHUBANI

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Om Prakash Yadav, S/o Surya Narayan Yadav, R/o Village- Navtole, P.S.-
Phulparas, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
07.06.2016 in connection with Phulparas P.S. Case No. 06/15
registered for the offence punishable under Section 395 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had a tailoring shop and used to sell loose petrol and on
the date of occurrence, the petitioner along with co-accused
came to his shop and asked for five litres of petrol, which was
denied, as earlier for petrol they had not paid him money, as
such, another co-accused pointed pistol on the informant and
co-accused Santosh Yadav took away his sewing machine and



all the accused persons including the petitioner fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him and has falsely been implicated in the aforesaid case as he was the member of the unlawful assembly. It is submitted that a compromise has been entered into between the parties and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner has a criminal history and is involved in four more cases of similar nature, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted and from the materials available, it does not reveal that the petitioner's liberty on bail would adversely affect his trial, 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, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 06/15, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station and



that petitioner will appear before the court below during trial as
and when required.

(Nilu Agrawal, J.)

Rajesh/-

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