

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31098 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -SUPAUL District- SUPAUL

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RAJEEV YADAV @ RAJEEV KUMAR @ RAJEEV KR. YADAV son of
Sampat Kumar Yadav Resident of Village- Bishanpur, P.S.- Pipara,
District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra

For the Opposite Party : Mr. Sri Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 15-09-2016 Supplementary affidavit has been filed on behalf of

the petitioner. Let it be kept on the record.

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 offence

punishable under section 392 of the I.P.C

Allegedly, three motorcycle borne criminals robbed

the informant at the point of fire arms and looted away his purse

containing cash of Rs. 900/-, ATM of SBI, Driving Licence, Debit

Card and Health Card. The informant identified one of the co-

accused, namely, Nandan Poddar, who after his arrest disclosed

the name of the petitioner as one of the culprits and further the

petitioner also confessed his guilt and robbed amount of Rs. 500/- has been recovered from possession of the petitioner besides one mobile phone and one country made pistol.

Submission is of false implication and that confessional statement of co-accused made before the police has got no evidentiary value in the eye of law, there was no identification marks on the recovered articles and so far recovery of pistol and mobile phone are concerned, another case has already been lodged and in that case the petitioner has already been allowed bail and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 19.03.2016 in this case.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering detention of the petitioner and further there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Supaul in Supaul P.S. Case No. 63 of 2016, subject to the conditions that one of the bailors must be a 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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