

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8954 of 2016

Arising Out of PS.Case No. -766 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Sanjay Kumar @ Kuku Yadav @ Sanjay Yadav Son of Late Chhatu Prasad Yadav Resident of Ishak Chak Bisahri Asthan, P.S. Ishakchak, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. R.P.S.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 25-04-2016

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 461 and 379 of the I.P.C

Allegedly, after breaking the gate and lock of shop of the Informant the articles valuing Rs. 36,16,310/- were stolen as per seizure list given in Annexure-1 attached with the First Information Report. During investigation on the basis of the information furnished by the spy, co-accused Sumit Kumar Sah @ Sonu was apprehended and he confessed his guilt stating the name of the petitioner and other co-accused and thereafter the petitioner was also apprehended and from his possession one Tamrapatra of a freedom fighter, namely, Baldeo Prasad Yadav has been

recovered.

Submission is of false implication and that no theft article was recovered from possession of the petitioner or from his house, the recovered Tamrapatra is of Baldeo Prasad Yadav, the grand father of the petitioner and only on the basis of the confessional statement of co-accused made before the police the petitioner is suffering in custody after his surrender on 25.11.2015 having no criminal antecedent.

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

In the facts and circumstances as stated above, 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. Bhagalpur in Kotwali (Adampur) P.S. Case No. 766 of 2015, 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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