

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51130 of 2016

Arising Out of PS.Case No. -174 Year- 2016 Thana -AMARPUR District- BANKA

Munna Yadav, Son of Umesh Yadav, Resident of Village- Simra, P.S.-
Bounsi, District-Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
Mr. Nihar Nandan Ambasta, Advocate
For the Opposite Party : Mr. Satya Nand Shukla(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-11-2016

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is languishing in judicial custody since
07.09.2016 in connection with Amarpur P.S. Case No. 174 of
2016 for offence punishable under Section 395 of the Indian Penal
Code.

The prosecution case as lodged by the informant
against unknown 7-8 persons who came on the petrol pump and
filled up petrol worth Rs.1000/- and snatched Rs.25,000/- from the
cash counter.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has falsely been implicated in the aforesaid case and has been made accused on the confessional statement of another co-accused Jaikant Yadav @ Sanjay Yadav, which has no evidentiary value in the eye of law. It is further submitted that nothing has been recovered from his possession and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is not named in the First Information Report but during the course of investigation, the name of the petitioner surfaced, hence, opposes the prayer for bail.

Considering the materials available, as charge-sheet has already been submitted and that petitioner's liberty on bail would not adversely affect his trial, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 174 of 2016.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case to dissuade him for disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

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