

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51670 of 2015

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1. Dilip Yadav son of Sri Prakash Yadav resident of village - Ram Chandrapur, P.S. Goradih, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-02-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Kotwali (Adampur) P.S. case No. 318/2015 registered for the offences punishable under sections 395, 397 of the Indian Penal Code and under section 3/4 of Explosive Substance Act.

Allegedly, six criminals, after entering into the Gramin Bank of Ghantaghar branch, committed dacoity and took away cash of Rs. 49, 10, 372/-. During the investigation, on the basis of confessional statement of the petitioner, part of looted amount, i.e., Rs. 1, 80,000/- , was recovered from the room of the petitioner kept in a box and further amount of Rs. 90,000/- was recovered from the possession of Bipin Yadav and amount of Rs. 3, 97,000/-

was recovered from Ruchi Kumari kept in the freeze of her house.

Submission is of false implication and that the recovered amount does not have any mark of identification, the same has not been put on test identification parade, other accused, Bipin Yadav, Rajendra Kumar Pal and Ruchi Kumari have already been allowed bail by different Benches of this court and, as such, the petitioner also deserves sympathetic consideration.

Learned A.P.P. after going through the case diary fairly submits that though some amount has been recovered but that amount does not have any mark of identification.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is nothing on record to show that petitioner after release will tamper with the prosecution evidence, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S. case No.318/2015, subject to the 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.

(Jitendra Mohan Sharma, J)

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