

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42054 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -SHERGHATI District- GAYA

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1. Binod Kumar @ Binod Yadav @ Niru Kumar Son of Prashuram Yadav
Resident of Village- Lahauri, P.S.-Barachatti, District-Gaya
2. Rahul Das Son of -Sahendra Das Resident of Village-Balri P.S.-
Hantarganj, District-Chatra (Jharkhand)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 08-12-2016 Heard Sri Sanjeev Kumar, learned counsel for
petitioners and Sri Nityanand, learned Addl. Public Prosecutor.

Two petitioners, who are in custody in Sherghati P.S.
Case No. 79 of 2016 registered for offence under Section 395 of
the Indian Penal Code, have prayed for grant of bail.

It was submitted by learned counsel for petitioners
that only on the basis of confessional statement of one of the co-
accused namely Mantu Yadav @ Satrugan Yadav, petitioners
have been made accused in the present case. He submits that even
Mantu Yadav @ Satrugan Yadav, on whose confession
petitioners have been detained, has been granted bail by this
Court, vide order dated 15-11-2016 passed in Cr.Misc. No. 38756
of 2016. He further submits that save and except confessional
statement of co-accused, there is no other material to connect the



petitioners.

Learned Addl. Public Prosecutor has opposed the prayer for bail and submits that it was case of *dacoity* on highway.

However, keeping in view the fact that the accused, on whose confession petitioners have been remanded in present case, has already been granted bail and save & except confessional statement, there is no other material, there is no reason to further detain the petitioners.

Let the petitioners namely Binod Kumar @ Binod Yadav @ Niru Kumar and Rahul Das be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati P.S. Case No. 79 of 2016, with condition that one of the bailor must be blood relation of the petitioners and secondly, on each and every date during trial the petitioners shall remain physically present before the trial court. If continuously on two dates, petitioners remain absent, without prior permission of the trial court, their bail-bonds shall stand automatically cancelled.

(Rakesh Kumar, J.)

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