

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54329 of 2016

Arising Out of PS.Case No. -415 Year- 2016 Thana -NAWADA District- NAWADA

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1. Jhimi Yadav, Son of Late Prem Yadav, resident of village - Naya Tola
Jurabganj, P.S. Kordha, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh

For the Opposite Party/s : Mr. Bharat Bhushan

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

2 20-12-2016 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 offence
punishable under section 379 of the I.P.C

Allegedly, the informant withdrew the amount of Rs.
1,07,812/- from the Punjab National Bank, Main Branch, Nawada
and kept the same in a small bag and thereafter he was going to
Pranpur on the motorcycle and when he reached in front of gate of
New Areagrah then two unknown persons on the motorcycle came
from behind and snatched his bag hanged in the handle of his
motorcycle and fled towards east of Gondapur. The informant



claimed that he shall identify on seeing them again.

Submission is of false implication and that the petitioner has been remanded in this case from Nawada Town P.S. Case No. 416 of 2016, he is in custody since 08.08.2016, but he has not been put on the test identification parade, the alleged confessional statement of the petitioner has got no evidentiary value in the eye of law, the informant was forced to identify the petitioner in Thana Hazat which has also got no evidentiary value in the eye of law, nothing has been recovered from possession of the petitioner and as such the petitioner deserves sympathetic consideration.

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

In the facts and circumstances as stated above, considering that no test identification parade has been conducted, nothing has been recovered from possession of the petitioner 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. Nawada in Nawada Town P.S. Case No. 415 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)

Abhay/-

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