

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2529 of 2017

Arising Out of PS.Case No. -330 Year- 2016 Thana -SAHARSA District- SAHARSA

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Bikash Yadav @ Bikram Yadav, S/o Barun Yadav, resident of Village-
Bhaptia, P.S.- Sour Bazar, District- Saharsa..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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

ORAL ORDER

3 16-02-2017 Heard learned Sr. Counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks bail in connection with Saharsa Sadar
P.S. Case No. 330 of 2016 registered for the offences punishable
under Sections 302, 324, 326, 120B/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner is not named in the first information report,
it appears from perusal of paragraph 35 of the case diary that name
of one Bhavesh Tanti and petitioner came in this case on the basis
of confidential information of spy and thereafter, co-accused
Bhavesh Tanti was arrested, he confessing his guilt stated the
name of the petitioner and further the petitioner also confessing
his guilt stated the names of others and the witnesses have also
stated the names of the petitioner and others.



Submission is of false implication and that the information furnished by the spy has got no evidentiary value in the eye of law, confessional statement of the co-accused and petitioner have also got no value in the eye of law, other co-accused have been allowed bail vide Cr. Misc. No. 37711 of 2016 and 53372 of 2016, co-accused Naveen Yadav has also been allowed bail vide Cr. Misc. No. 39050 of 2016 and as such the petitioner who is suffering in custody since 20.04.2016 deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the petitioner has got criminal antecedent as he is involved in 7 more cases and witness Garib Das saw the petitioner and Amit Yadav going there.

In the facts and circumstances stated above, considering that other co-accused have been allowed bail, 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 the learned Ist Additional Sessions Judge, Saharsa in S. Tr. No. 174 of 2016 arising out of Saharsa Sadar P.S. Case No. 330 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)

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