

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31583 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -BAHERA District- DARBHANGA

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1. Dilip Yadav, Son of Madan Yadav, Resident of Village and P.S.- Rautara, District- Katihar.
 2. Naresh Yadav @ Abhishek Yadav, Son of Kalua Yadav @ Chhavilal Yadav,
 3. Shivam Yadav, Son of Dharmendra Yadav, Both Resident of Village- Jurabganj, P.S.- Korha, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

o.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Babita Kumari, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-09-2017 Learned counsel for the petitioners submits that petitioner no. 3 Shivam Yadav has died during custody, hence his name be permitted to be deleted.

Permission is accorded. Let the name of petitioner no. 3 Shivam Yadav (deceased) be deleted.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners seek bail in connection with Bahera P.S. Case No. 38/2017, for the offences punishable under Sections 401, 414, 467, 468, 471, 420, 120(B) and 34 of the Indian Penal Code.



The prosecution case as lodged by the police personnel is that some thieves of Bahera P.S. Case No. 14/17 were informed to be lurking near the State Bank of India, Benipur branch. The police apprehended the petitioners and from their possession number of incriminating articles were found which is used for committing theft, like master-key, powder which causes scratching after sprinkling and motorcycle which was alleged to be stolen one.

It has been submitted by the learned counsel for the petitioners that they are innocent. No overt act has been committed by the petitioners and it was only on the basis of confessional statement of the petitioners before the police which has no evidentiary value in the eyes of law they have been made accused in the present as well as in Bahera P.S. Case No. 14/17. He submits that the provision of section 100 of Cr.P.C. has not been complied in preparation of seizure-list, petitioners are languishing in judicial custody since 01.02.2017 and charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.



However, learned counsel for the State opposes the prayer for bail stating therein that the petitioners have criminal antecedent and are member of Korha gang which indulges in stealing money of the customers of the bank.

Considering the facts and circumstances and materials on record, since the petitioners have been implicated in the present case only on the basis of suspicion, let the petitioners named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Benipur (Darbhanga) in connection with Bahera P.S. Case No. 38/2017, subject to the condition that one of the bailors would be a close relative of the petitioners and if petitioners are found to have indulged in similar offences in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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