

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20541 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Krishna Yadav Son of Sri Komal Yadav, Resident of Village- Dumercon,
P.S.- Chaninpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 10-07-2017 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is languishing in jail since
15.02.2017 in a case registered for offences punishable
under Section 392 of the Indian Penal Code.

The prosecution case as lodged by the
informant is that while he was returning home after
collecting Rs. 1, 75,000/- from businessmen, two
motorcycle driver persons intercepted and looted his
money and gold chain.

It has been submitted by the learned counsel
for the petitioner that he has not been named in the F.I.R.



and has been implicated on the confessional statement of co-accused, on the basis of his past criminal history as well as his own confessional statement before the police, which has no evidentiary value in the eye of law. It is submitted that although, he has been identified in the Test Identification Parade and the same has been conducted after one month of the commission of the occurrence which creates a cloud of doubt. It has also been submitted that no recovery has been made from his conscious possession and that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the State submits that the petitioner has been found to be involved in the commission of occurrence as per his own confessional statement, hence, opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record , let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate- II, Kaimur at Bhabhua in connection with Chainpur P.S.Case No. 06 of 2017, subject to the condition that one of the bailors must be a close relative of the petitioner and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds with a further condition that if the petitioner is found to have indulged in an offence of similar nature in future, the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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