

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42898 of 2017

Arising Out of PS.Case No. -207 Year- 2016 Thana -WAJIRGANJ District- GAYA

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Dinesh Yadav, Son of Udesb Yadav, Resident of village- Narawat, Police
Station- Atri, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Wazirganj P.S.
Case No. 207 of 2016 for offences punishable under Section 395
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he being the driver of the truck along with Khalasi was going
for loading cement and while on the way, two persons riding a
Marshal vehicle intercepted the truck and took the informant and
the Khalasi in the Marshal vehicle where four persons were also
sitting. Thereafter, the accused persons took away the truck and
some cash.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name



surfaced on the confessional statement of one Shahid and Khalid Naim which is evident from paragraph-33 of the case diary and that the vehicle has been recovered on the confession of the said co-accused. He submits that the said confession of the co-accused was taken in another case and just because the petitioner has a criminal antecedent, he has been made accused in the present case. He submits that nothing has been recovered from the possession of the petitioner and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. The petitioner is languishing in judicial custody since 20.07.2017

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as four cases are pending against him three for similar offence.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Gaya in connection with Wazirganj P.S. Case No. 207 of 2016, subject to the conditions that:



- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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