

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47138 of 2017

Arising Out of PS.Case No. -588 Year- 2016 Thana -LAHERIASARAI District- DARBHANGA

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1. Sanjay Kumar Yadav age about 24 years S/o Late Kashi Yadav,
Resident of Village- Lohara, P.S.- Bisfi, District- Madhubani.
 2. Ravi Nandan Kumar @ Chhotu age about 19 years, S/o- Sri Ram Karan
Yadav, Resident of Village- Pokharsama, P.S.- Bahadurpur, District-
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Laheriasarai
P.S. Case No. 588 of 2016 for offences punishable under Sections
379 of the Indian Penal Code and subsequently Section 411 of the
I.P.C. was added.

The prosecution case, as lodged by the informant, is
that while he had parked his motorcycle near civil court on
returning he did not find his motorcycle there.



It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the F.I.R. and have been falsely implicated in the aforesaid case on account of their confessional statement in another case bearing Laheriasarai P.S. Case No. 594 of 2016 wherein certain arms were recovered from the possession of one of the accused in the said case on which nothing has been recovered from the possession of the petitioner no. 2 but a country made pistol was recovered from the possession of the petitioner no. 1 in which he is on bail granted by this Court. It has further been submitted that although the petitioners are in judicial custody since 29.03.2016 in relation to another case they have been remanded in the present case since 13.04.2017 and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners are habitual offenders and have been made accused in similar nature of case earlier.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with



Laheriasarai P.S. Case No.588 of 2016, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioners.
- (2) If the petitioners indulge in an offence of similar nature 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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