

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34646 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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Subhash Yadav Son of Devan Yadav @ Deo Narayan Yadav @ Deo Nr.
Yadav, R/o Village- Posdaha/Psadaha, P.S.- Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
07.02.2017 in connection with Narpatganj P.S. Case No. 49
of 2017, G.R. Case No. 409 of 2017 registered for the offence
punishable under Sections 25(1-b)a, 26 and 35 of the Indian
Penal Code.

The prosecution case, as lodged by the police
personnel, is that on a secret information that a motorcycle
has been stolen, Amlesh Yadav along with the stolen
motorcycle was recovered and from the possession of the
petitioner one country made pistol with one live cartridge was
recovered. Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been alleged to have been committed and just because of the confessional statement of co-accused Amlesh Yadav before the police and because of his criminal history, he has been falsely implicated. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that as many as four cases are pending against the petitioner, some of them on similar allegations.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Raghubansh Narayan, learned Additional Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 49 of 2017, G.R. Case No. 409 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner and if, in future, petitioner is found to have indulged in an offence of similar nature, the



prosecution will be at liberty to move before the learned
Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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