

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54487 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -ISHAKCHAK District- BHAGALPUR

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Santosh Kumar Yadav S/o Jawahar Prasad Yadav, R/o Village- Sujal,
Korama, P.S.- Rajoun, Distt. - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.08.2016 in connection with Ishakchak (Tilkamanjhi) P.S. Case
No. 138 of 2016 for offences punishable under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his son had gone to doctor's clinic for check-up of his
wife and parked his Bolero car and while returning he found his
Bolero car missing.

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 only on the basis of confessional statement of co-accused



and on his extra judicial confessional statement before the police which has no evidentiary value in the eye of law. He submits that the Bolero car has not been recovered from his conscious possession and that charges have already been framed and the petitioner undertakes to co-operate in the trial.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as three cases are pending against him and the Bolero car had met with an accident and as per the C.C. T.V. footage, the name of the petitioner surfaced.

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 Chief Judicial Magistrate, Bhagalpur in connection with Ishakchak (Tilkamanjhi) P.S. Case No. 138 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) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

- (3) 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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