

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26426 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1. Manjesh Yadav Son of Dinesh Yadav, Resident of Village- Godhiyari,
P.S. & District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Sri Jai Narain Thakur, A.P.P

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in custody since 10.02.2016 in connection with Madhepura (Parmanandpur) P.S. Case No. 66 of 2016 for the offences alleged under Sections 399, 402, 333, 307, 353, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution case is that the police personnel acting on a tip of that 5-6 criminals are preparing to commit dacoity, reached at the place of occurrence and arrested 5 persons including the petitioner and from possession of the petitioner one country made pistol, two live cartridges and one empty cartridge were recovered.

It is submitted by the learned counsel for the petitioner



that petitioner is innocent and he has falsely been implicated in this case. He has further submitted that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. It has also been submitted that other co-accused named in the F.I.R. have been enlarged on bail by co-ordinate Benches of this Court passed in Cri. Misc. No. 30872 of 2016 on 09.08.2016 and Cri. Misc. No. 39515 of 2016 on 17.09.2016.

However, learned A.P.P. opposes the prayer of bail as the petitioner does not have a clean antecedent.

Be that as it may, 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 learned C.J.M., Madhepura in connection with Madhepura (Parmanandpur) P.S. Case No. 66 of 2016, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner and the other bailor shall be the father of the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



- (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (iv) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Nilu Agrawal, J)

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