

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55181 of 2016

Arising Out of PS.Case No. -199 Year- 2015 Thana -LAUKHI District- MADHUBANI

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Birendra Yadav, Son of Late Bindeshwari Yadav, Resident of Village-
Thardhi, P.S.- Laukahi, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-02-2017 Heard the parties.

This application has been filed in connection with Laukahi
P.S.Case No.199 of 2015 for the offence under Section 392 of the
Indian Penal Code.

It is submitted on behalf of the petitioner that the petitioner
is not named in the F.I.R. but later on, on the basis of confessional
statement of co-accused, he has been made accused in this case
and remanded in this case on 26.11.2015 and since then he is in
custody. No T.I.P. has been held and nothing has been recovered
from the possession of the petitioner and there is error on record in
the impugned order that there is recovery from the possession of
the petitioner, whereas the recovery has been made from some
other person at the instance of Bablu Yadav.

Heard learned A.P.P. also.



Having heard both sides. In view of the facts as stated above and from perusal of the case diary, it appears that except the confessional statement of co-accused, there is nothing against the petitioner and the petitioner is in custody for more than one year. No doubt there are three criminal cases, in which the petitioner has been made accused but considering the period of custody of the petitioner and there is no legal evidence against the petitioner, let the, above named, petitioner be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Jhanjharpur, District- Madhubani in connection with Laukahi P.S.Case No.199 of 2015 dated 20.10.2015 corresponding to G.R.No.1752 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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