

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23912 of 2017

Arising Out of PS.Case No. -57 Year- 2016 Thana -MAHKAR District- GAYA

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Dinesh Yadav, son of Udesb Yadav @ Udesbar Prasad, resident of Village-
Narawat, P.S.- Atri, District- Gaya. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Suresb Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with Mahkar P.S.
Case No. 57 of 2016 registered for the offence punishable under
Section 395 of the Indian Penal Code.

Allegedly, 5-6 unknown criminals armed with revolver
looted the truck bearing registration no. BR11S- 1935 and amount
of Rs. 10,000/-, mobile and cash of Rs. 8,000/- from driver and
mobile. The informant claimed to identify them after seeing.

Submission is of false implication and that the petitioner
is in custody since 15.02.2017 but he has not been put on test
identification parade, nothing has been recovered from his
conscious possession and only on the basis of confessional
statement of co-accused the petitioner is suffering in custody
without any fault and as such he deserves sympathetic



consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner has not been put on test identification parade, nothing has been recovered from his conscious possession, besides confessional statement there is no other material, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Mahkar P.S. Case No. 57 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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