

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34445 of 2017

Arising Out of PS. Case No.-104 Year-2006 Thana- BIRPUR District- Supaul

Manoj @ Bambam Yadav, Son of Vikram Yadav, resident of Village-
Bhura, Police Station- Triveniganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
27.11.2014 in connection with Birpur P.S. Case No. 104 of
2006 registered for the offence punishable under Sections 392
and 411 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that three criminals on a motorcycle intercepted his motorcycle
and on gun point looted away his motorcycle. The informant
identified one of the accused, namely, Dhiren Yadav.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report, no Test Identification Parade has been done so far and
he is languishing in judicial custody for two and half years. He



submits that nothing has been recovered from his conscious possession and on the confessional statement of co-accused, Dhiren Yadav, he has been made accused. He submits that the said co-accused, Dhiren Yadav has already been acquitted after trial on 18.02.2016 in connection with the aforesaid case. He further 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 vehemently opposes the prayer for bail stating therein that the petitioner is a veteran criminal and has been booked in as many as 16 cases, although acquitted in 12 cases.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, 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 the learned Sub-Divisional Judicial Magistrate, Birpur (Supaul) in connection with Birpur P.S. Case No. 104 of 2006, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ Court, who will file an affidavit stating his relationship with the



petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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