

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26229 of 2017

Arising Out of PS.Case No. -671 Year- 2015 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

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Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2017 Learned counsel for the petitioner is permitted to make

correction in para-7 of the application as he has stated that he is

not named in the F.I.R.

 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State.

 The petitioner is languishing in jail since 30.03.2016 in a

case registered for offences punishable under Sections 399, 402,

414/ 34 of the Indian Penal Code and Section 25 (1-B) a, 26 and

35 of the Arms Act.

 The prosecution case as lodged by the police party is

that on a secret tip off that some miscreants have assembled to

commit dacoity, a raid was conducted and four persons were

apprehended, who disclosed the name of the petitioner and other



persons also involved with them.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the F.I.R. Just because he has criminal antecedent and he has been made accused in the present case on the confessional statement of co-accused before the police, which has no evidentiary value in the eye of law. It is further submitted that in most of the earlier cases, the petitioner has been acquitted. The co-accused named in the F.I.R., has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 26095 of 2016 on 05.07.2016, hence a sympathetic view may be taken.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstance of the case and materials on record , let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P.S.Case No. 671 of 2015, subject to the condition that one of the bailors must be a close relative of the petitioner and the other bailor would have 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 the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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