

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26868 of 2017

Arising Out of PS.Case No. -495 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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Nand Kumar Yadav @ Maikal Son of Lutan Yadav, Resident of Village-
Sahuriya East, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.01.2017 in connection with Sour Bazar P.S. Case No. 495 of
2016 registered for the offence punishable under Section 395 of
the Indian Penal Code.

The prosecution case, as lodged by the petrol pump
owner, is that six miscreants riding on three motorcycles came to
his petrol pump and looted away Rs. 1,21,000/- cash and Samsung
mobile. They also looted mobile phones and Rs. 1000/- from other
persons and on protest, accused persons assaulted them.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and only on the basis of confessional statement of co-accused and his past criminal history, he has been remanded in the present case. He further submits that charge-sheet has already been submitted and that other accused persons have since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 21883 of 2017 on 20.06.2017 and that nothing has been recovered from his conscious possession and no Test Identification Parade has been done so far.

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

Considering the facts and circumstances and the materials on record, 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 the learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 495 of 2016, subject to the conditions that:

- (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 will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the Court and in 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.

(Nilu Agrawal, J.)

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