

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4600 of 2017

Arising Out of PS.Case No. -50 Year- 2007 Thana -NARPATGANJ District- ARRARIA

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1. Manoj @ Manoj Yadav @ Bambam Yadav, Son of Vikram Yadav,
Resident of Village-Mura, Police Station-Triveniganj, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Choudhary, Advocate
Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P..

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 23-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 19.07.2014 in a case registered for offences punishable under Sections 302, 120 (B) and 363 (A) of the Indian Penal Code as well as Section 27 of Arms Act.

The prosecution case as lodged by the informant is that in presence of driver, namely Ramesh Goswami, Arun Golchha was murdered and that driver in his statement under Section 164 Cr. P. C. has stated that the co-accused Devamamd Jha is the main assailant, who fired upon Arun Golcha by pistol and thereafter Dhirendra YadaV fired upon Arun Golchha by pistol and by



Carbine. Some of co-accused have confessed their guilt vide paras 177, 178 and 184 of the case diary. Thereafter, Ramesh Goswami took “U” turn and during trial he did not support the version, as stated under Section 164 Cr. P.C.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. and it is only on the basis of confessional statement of co-accused, Pintu Yadav @ Ajay Yadav @ Ashish Yadav, his name surfaced. He further submits that Pintu Yadav and other co-accused have since been granted the privilege of bail by Co-ordinate Benches of this Court as is evident from para-14 and Annexure-2 of the present application. It has further been submitted that trial is going on and he undertakes to co-operate with the trial.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner is a member of a criminal gang and as many as 27 cases are pending against him. It has further been submitted that the complicity of the petitioner is evident from the confessional statement of the co-accused.

Considering the facts and circumstance of the case and materials on record and that the other co-accused have since been granted the privilege of bail, 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 Additional District and Sessions Judge 3rd Araria in Sessions Trial No. 644 of 2015 arising out of Narptganj P.S. Case No. 50 of 2007, G.R. No. 280 of 2007, subject to condition that the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Sudha/-

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