

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37935 of 2017

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

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1. Kaushal Yadav son of Anil Yadav resident of village - Mohaniya, P.S. -
Bakhtiyarpur, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.01.2017 in connection with Sour Bazar P.S. Case No. 495/2016
for offences 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 because of his past criminal history he has been made accused in the present case and also on the basis of confessional statement of co-accused. He submits that nothing has been recovered from his conscious possession, no T.I. Parade has been done so far and some of the accused persons have been granted privilege of bail by this court in Cr. Misc. No. 21883 of 2017 on 20.06.2017 and Cr. Misc. No. 26868 of 2017 on 10.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and has 17 more cases, some of similar nature, pending against him and he is a habitual offender and veteran criminal.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar P.S. Case No. 495/2016, 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)

Rajesh/-

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