

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.326 of 2018

Arising Out of PS.Case No. -1 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Shambhu Yadav S/o Narayan Yadav @ Bamfar Yadav Resident of
village- Dhamsaina, P.S.- Sour Bazar, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.08.2017 in connection with Bakhtiarpur P.S. Case No. 01/2017
for offences punishable under Sections 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that four persons in a motorcycle came and one of them fired on
the informant injuring him.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and it is only on the basis of confessional statement of



another co-accused Sohan Jha, not named in the First Information Report, in another case, that the name of the petitioner surfaced. He submits that just because he has a criminal antecedent and his own confessional statement before the police, which has no evidentiary value in the eye of law, that the petitioner has been made accused in the present case. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and there are at least a dozen of cases pending against him, some of very serious nature.

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 Bakhtiarpur P.S. Case No. 01/2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) Petitioner will also appear before the concerned police station in the first week of every month and failure will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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