

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55975 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana-
KUSHESHWARASTHAN District- Darbhanga

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1. Ranjit Yadav, S/o Lalan Yadav,
2. Kundan Yadav S/o Ganga Ram Yadav, Both residents of
Sanichra Ghat, Tetrahi, P.S.- Tetrahi, District-
Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-12-2018 The petitioners seek bail in anticipation of their

arrest in connection with Kusheshwar Asthan P.S. Case No.

42 of 2018 dated 26.02.2018 instituted for the offence

under Section 392 of the Indian Penal Code.

The informant and his friend Santosh Roy were
waylaid and approximately Rs. 4,50,000/- which they were
carrying, was looted away. The other belongings of the
informant and his friend were also taken away by the
motorcycle borne miscreants.

The learned counsel for the petitioners has



submitted that their names have been taken by one Ghanshyam Yadav in his confession indicating that the petitioners had also participated in the occurrence. Pursuant to the aforesaid confession of the co-accused Ghanshyam Yadav, two motorcycles were recovered from behind the houses of the petitioners.

The learned counsel for the petitioners has submitted that the motorcycles may have been recovered from behind the houses of the petitioners but that part alone would not be any ground for doubting that the petitioners have committed such offence. He has further submitted that the investigation report revealed that the place from where the vehicles were recovered is far away from the residence of the petitioners. Even from the impugned order, it does not appear that those vehicles were used in the crime or that vehicles were found near the houses of the petitioners.

The petitioner No. 1 has no criminal background. Petitioner No. 2 though is an accused of one more case but not of similar nature as of the present case.

Considering the aforesaid facts and taking into



account that the prosecution of the petitioners is only on the basis of confession of a co-accused, they are, in the event of their arrest or surrender within a period of four weeks from today before the learned Court below, directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 42 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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