

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49705 of 2018

Arising Out of PS.Case No. -68 Year- 2018 Thana -KAHALGAON District- BHAGALPUR

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Chhotu Yadav @ Santosh Kumar @ Chhotu Kumar Son of Sanjai Yadav,
resident of Village- Jagarpur, P.S. Parbatta, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Ashok Kumar Singh-1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 20-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Kahalgaon P.S. Case No.
68 of 2018 registered under Sections 395 and 397 of the Indian
Penal Code.

7-8 unknown miscreants are said to have descended
at the shop of the petitioner and looted away Rs.11,000/- along
with some documents and mobile on the point of pistol and knife
assaulting the petitioner by knife and butt of the pistol.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The petitioner
has no concern with the said occurrence. He is not named in the
F.I.R. He has been falsely implicated in the case at the instance of



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the enemy. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Ramesh Kumar which has no evidentiary value in the eye of law. Though the petitioner along with other four accused persons including the Gaurav Kumar were got identified by the police by the informant in the hospital but it is not legally conducted T.I.P. Petitioner has no criminal antecedent and has been languishing in custody since 08.02.2018. Similarly situated co-accused, namely, Gaurav Jha @ Gaurav Kumar has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 36923 of 2018 vide order dated 11.07.2018.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 68 of 2018.

(Prakash Chandra Jaiswal, J)

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