

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58983 of 2018

Arising Out of PS.Case No. -24 Year- 2016 Thana -MAIN P.S. District- GAYA

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Manoj Yadav S/o Hardev Yadav, R/o Vill.- Khaira, P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 25.08.2017 in connection with Main P.S. Case No. 24 of 2016 for offences punishable under Sections 387, 34 of the Indian Penal Code, 25 (1-B) A, 26/35 of the Arms Act and 17 CLA Act.

The prosecution case, as lodged by the police personnel, is that on information that contractor and his muni were being demanded levy, the police reached the place of occurrence and apprehended two persons who were trying to flee namely Vikash Das and Promod Kumar Das. Some of the co-accused managed to flee away and the petitioner along with others were named by the apprehended co-accused.



It has been submitted by the learned counsel for the petitioner that he is innocent, no over act has been alleged against him and no incriminating article has been recovered from his possession. He submits that the apprehended co-accused have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 1097 of 2017 dated 13.01.2017 and Cr. Misc. No. 1012 of 2017 dated 02.03.2017. He submits that even other co-accused named by the apprehended co-accused have also been granted the privilege of bail in Cr. Misc. No. 27074 of 2018 dated 06.06.2018. He submits that charge-sheet has already been submitted and petitioner is languishing in judicial custody since more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and one case is pending against him.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 Additional Chief Judicial Magistrate-IVth Gaya, in connection with Main P.S. Case No. 24 of 2016, subject to the condition that 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.

(Nilu Agrawal, J)

Devendra/Priyanka

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