

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51999 of 2018

Arising Out of PS. Case No.-255 Year-2017 Thana- PARBATTa District- Khagaria

Santosh Yadav S/o Raghu Yadav @ Radho Yadav, R/o Vill.- Baise, P.S.-
Parbatta (Marriya O.P.), District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner. No one
appears for the State.

The petitioner in the present case is seeking regular
bail in connection with Parbatta (Maraiya O.P.) P. S. Case No.
255 of 2017 registered for the offence punishable under Section
395 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is a
case of false implication. The petitioner and the informant are
co-villagers and because of their enmity which took place
during the previous panchayat election in which the petitioner
was the supporter of local ex-mukhiya, the present FIR has been
lodged by falsely implicating the petitioner.

Learned counsel submits that the persons who are said
to have been looted have not identified this petitioner so far as
no test identification parade has been conducted and further one



of the co-accused Jagla Yadav has been granted regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 2852 of 2018 vide order dated 17.02.2018. Learned counsel submits that the petitioner surrendered in this case before the court below on 28.11.2017 and since then he is in custody. It is further pointed out that one case in which the petitioner has been involved under Sections 379/34 IPC was also lodged by the cousin of this informant because of the said enmity but the petitioner is on bail in the said case. It is submitted that he has been granted bail in the said case recently.

In the given facts and circumstances of the case wherein the petitioner is said to be in custody since 28.11.2017 and nothing has been recovered from his possession so far, let the petitioner Santosh Yadav be released on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Incharge Additional Sessions Judge III, Khagaria in S. T. No. 95 of 2018 arising out of Parbatta (Maraiya O.P.) P. S. Case No. 255 of 2017, subject to the condition laid down under Section 437 (3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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