

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5135 of 2018

Arising Out of PS.Case No. -434 Year- 2017 Thana -NAWADA District- NAWADA

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1. Sanjay Yadav, Son of Shri Masusudan Pd. Yadav @ Masudan Prasad,
Resident of Village - Jethsari, P.S. - Govindpur, P.S. Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-01-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 406 and 420/34 of the Indian
Penal Code.

According to FIR, someone pretended on mobile
call to the informant that he is Dy.S.P. Ashok Yadav. On the
instruction of that person Rs.8,50,000/- in cash was, allegedly, paid
to this petitioner.

Submission of the learned counsel for the petitioner
is that there is no document to prove the aforesaid payment nor there
is any reason of aforesaid payment. Entire allegation is false against
the petitioner and he is in custody since 27th of November, 2017.

Learned counsel for the informant opposed the
prayer of the petitioner on the ground that the petitioner is accused in



several criminal cases. Six of them are disclosed in the bail petition. Hence, the petitioner does not deserve bail in view of the judgment of the Hon'ble Apex Court in the case of **Ash Mohammad Vs. Shiv Raj Singh @ Lalla Babu & Anr.** reported in **2013(2)CCSC 611**.

So far consideration of prayer for regular bail is concerned, it is not appealable to judicial conscience of the Court that the informant, who was aware of the criminal antecedent of the petitioner, in spite of that, made payment of such a huge amount in cash. Hence, in the present case, there is no sufficient material to further detain the petitioner as under-trial. Accordingly, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nawada Town Police Station Case No. 434 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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