

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 13162 of 2018

Arising Out of PS.Case No. -78 Year- 2015 Thana -JADIA District- SUPAUL

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Yoganand Kumar Yogesh @ Yoganandan Kumar Yogesh S/o Rajendra
Yadav, R/o Village- Guriya Tola Navdihi, P.S.- Jadia, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sanjeev Nikesh, Advocate

For the S t a t e : Mr Tapeswar Sharma, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 12-04-2018

At the very outset, it is submitted by the learned counsel for the informant that in the details of prosecution pending against the petitioner, *Jadia Police Station Case No 27 of 2015* has been mentioned in the counter affidavit due to inadvertence. He prays that the correct description of the case is at Serial xii at page 4 of the counter affidavit and that *Jadia PS Case No 27 of 2015* is not pending against the petitioner and the same may be stuck off from the records.

Heard learned counsel for the petitioner, informant and the learned APP for the State.

Petitioner seeks bail in a case registered under Sections 341, 342, 323, 384, 427, 379, 504/34 of Indian Penal Code.



It is submitted on behalf of the petitioner's counsel that though the occurrence has taken place on 06.07.2015, the first information report has been lodged on 17.07.2015. It is further submitted that the prosecution is false and fabricated only to coerce the petitioner to come to terms and withdraw himself from the prosecution launched against the employer of the informant. It is also submitted that the informant has been set up by the employer Umesh Yadav, Ex Mukhiya and, accordingly, he has been falsely implicated in this case.

Learned counsel for the informant stated that the delay has been caused due to threat meted out to the informant.

It is further submitted that the petitioner has criminal antecedent but in some of the cases, he has already been acquitted. Except one, he is on bail in the other cases.

In view of the aforesaid submissions made on behalf of the petitioner and considering the fact that the petitioner is in custody since 06.01.2018 and others, who have been implicated in this case, have been allowed bail by this Court in Cr Misc No 29984 of 2017 and Cr Misc No 46547 of 2017, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Chief Judicial Magistrate, Supaul in Jadia Police Station Case No 78 of 2015 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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