

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28741 of 2018

Arising Out of PS.Case No. -423 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Birwa Yadav son of Krishna Prasad @ Krishna Yadav, resident of village-
Bhawani Bigha, PS-Chiksaura, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

3 28-06-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner, who is in custody since 17.10.2017,
seeks bail in connection with Hilsa P.S. Case No. 423 of 2017
registered for an offence punishable under section 395 of the
Indian Penal Code.

It has been submitted that the case has been registered
against the unknown persons. In course of investigation, one
Fekan @ Feku Yadav, who was apprehended by Police in Hilsa
Police Station Case No. 440 of 2017 in which he confessed his
complicity and disclosed the name of this petitioner and other co-
accused. Except the disclosure of name of this petitioner, there is
nothing against him. On the disclosure of co-accused, some
incriminating materials have been recovered from the possession



of other co-accused. Nothing has been recovered from the possession of the petitioner. The petitioner was arrested in another case (Hilsa Police Station Case No. 440 of 2017) and has been remanded in the present case on 20.02.2018. The petitioner has not been put on T.I.P. till the date although the informant has claimed to identify the petitioner.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 423 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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