

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37967 of 2018

Arising Out of PS. Case No.-369 Year-2017 Thana- KHIJARSARAI District- Gaya

=====

Pramod Yadav S/o Somar Yadav, R/o Vill.- Simra, P.S. - Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 23.04.2018 in connection with Khizarsarai P.S. Case No. 369 of 2017 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the site incharge of a construction company, is that while labourers were taking rest, 15-20 miscreants came and snatched their mobiles, clothes and money. One of the miscreants had a fire-arm in his hand.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report, no Test Identification Parade has been done so far, nothing has been recovered from his possession and his name



surfaced on the basis of information given by spy that the petitioner along with others were seen roaming near the place of occurrence. He submits that one of the accused, whose name surfaced on the basis of statement of the spy, has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 19399 of 2018 vide order dated 04.04.2018.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Gaya in connection with Khizarsarai P.S. Case No. 369 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.



(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

U		T	
---	--	---	--

