

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10401 of 2019**

Arising Out of P.S. Case No.-315 Year-2017 Thana- BAUNSI District- Banka

=====

MUKESH YADAV, aged 30 years (Male), Son of Chandradeo Yadav @  
Chander Yadav Resident of Village- Jokela, P.S.- Saraiyahat, District-Dumka  
(Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

Mr. Ganesh Sharma, Advocaste

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      21-02-2019                      Heard the learned counsel for the petitioner and  
  
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since  
29.01.2018 in connection with Bounsi P.S.Case No.315 of 2017  
for the offence alleged under Section 392 of the Indian Penal  
Code although chargesheet has been submitted under Sections  
395 and 412 of the Indian Penal Code.

The prosecution case as lodged by the informant is  
that while he had collected Rs.1,26,000/- from various medical  
shops and was returning, four persons in two motorcycles,  
snatched his bag and fled away with the money.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, not named in the FIR and his



name surfaced on the basis of confessional statement of co-accused Mritunjay Kumar Yadav @ Mritunjay Yadav, Ramroop Yadav and Chhotu @ Sunil Kumar @ Chhotu Sah @ Sunil Kumar Sah and his own extra judicial confessional statement before the police which has no evidentiary value in the eye of law. He further submits that chargesheet has already been submitted and some of the co-accused on whose confession, the petitioner has been made accused, has been granted the privilege of bail by coordinate Benches of this Court in Cr.Misc.No.42752 of 2018 dated 19.07.2018 and Cr.Misc.No.60172 of 2018 dated 08.10.2018. He further submits that the petitioner is languishing in judicial custody since more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear clean antecedent and two more cases for similar offence is pending against him.

However, considering the facts and circumstances and the materials on record and that other co-accused on similar allegations have been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of



the like amount each in connection with Bounsi P.S.Case No.315 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the following conditions:-

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

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

B.Kr./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

