

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13014 of 2019**

Arising Out of P.S. Case No.-752 Year-2018 Thana- KHAGARIA District- Khagaria

KUNDAN YADAV, aged about 40 years (male), Son of Turanti Yadav
Resident of Village - Chandra Nagar, Ranko, P.S.- Mufassil, Distt.- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

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

2 06-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
25.11.2018 in connection with Khagaria P.S.Case No.752 of
2018, GR No.3046 of 2018 for the offence alleged under
Sections 457 and 380 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that he had gone to his village to attend the birth day of his
grand-son and while returning, he found the lock of the house
was broken and cash of Rs.3,50,000/-, jewelry worth
Rs.10,0000/- and clothes worth Rs.2,00000/- had been stolen by
unknown criminals.

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 confessional statement of co-accused Pappu Yadav before the police which has no evidentiary value in the eye of law. He submits that the co-accused on whose confessional statement, the petitioner has been made accused has since been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.3508 of 2019 vide order dated 01.02.2019 and on similar allegation on the confessional statement another co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.12076 of 2019 dated 27.02.2019.

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

However, considering the nature of allegations and that on similar allegations other co-accused 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 Khagaria P.S.Case No.752 of 2018 corresponding to GR No.3046 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the condition that the petitioner will file an affidavit at the time of



furnishing bail bonds that he will not indulge in such type of activity in future, failing which the bail bonds of the petitioner in the instant case is liable to be cancelled.

(Nilu Agrawal, J)

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