

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16331 of 2019**

Arising Out of PS. Case No.-429 Year-2018 Thana- NATHNAGAR District- Bhagalpur

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BABULAL YADAV @ NARIYAL @ NARIYAL YADAV, aged about 27 years, Son of Late Bisoli Prasad Yadav, Resident of Village - Narga Chaunk, Mohanpur, P.S.-Nathnagar, District – Bhagalpur ...
Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

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Appearance :

For the Petitioner : Mr. Swapnil Kumar Singh, Adv.
For the Opposite Party : Mr. Meena Singh, APP

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

2 26-03-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

It has been pointed out by the learned counsel for the petitioner that the name of the petitioner is Bablu Yadav and inadvertently it has been typed as Babulal Yadav, which may be read as Bablu Yadav in place of Babulal Yadav as the impugned order also bears the name of Bablu Yadav.

Having perused the impugned order the name of Babulal Yadav be read as **Bablu Yadav @ Nariyal @ Nariyal Yadav.**

The petitioner is languishing in judicial custody since 10.08.2018 in connection with S. Tr. No. 925 of 2018 arising out of Nathnagar P.S. Case No. 429 of 2018 for the offence alleged under Section 392 of the Indian Penal Code.



The prosecution case, as lodged by the informant, is that while he was returning home in a tempo, the driver of the tempo and other persons snatched cash, two mobiles, watch, ATM and Credit cards and his gold ring.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and his name surfaced on the confessional statement of the co-accused, Sanjay Kumar Roy, who has already been granted the privilege of bail by this Court. He, further, submits that nothing has been recovered from his conscious possession and some of the co-accused, whose names surfaced on the confessional statement, have already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 58764 of 2018, dated 01.11.2018, and Cr. Misc. No. 5107 of 2019, dated 30.01.2019. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses and the petitioner is languishing in judicial custody since more than seven months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the period of custody as well as that 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 S. Tr. No. 925 of 2018 arising out of Nathnagar P.S. Case No. 429 of 2018 to the satisfaction of the learned Additional District & Sessions Judge, II, Bhagalpur, subject to the condition that 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.

(Nilu Agrawal, J)

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