

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14107 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- ANDHRAMATH District- Madhubani

1. RAM PRAKASH YADAV, S/o Tej Narayan Yadav Resident of Village - Mansapur, P.S.- Laukahi, District- Madhubani.
2. Mukesh Yadav S/o Digambar Prasad Yadav Resident of Village- Goth Narhaiya, P.S.- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kanchan Jha, Adv.
		Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 05.10.2018 in connection with Andhramath P.S. Case No. 137 of 2018, G.R. No. 1153 of 2018 for offences punishable under Section 394 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while they had sold husk and returning in his pick up van along with one Bechan Yadav, three persons on a motorcycle stopped their way and on pistol point assaulted them and took away Rs. 20,100/-, mobile and silver chain. They also planned to take pick up van but could not succeed. Their faces were



hidden with cloth.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. There is no eye-witness to the alleged occurrence, are not named in the F.I.R. and it is only on the basis of confessional statement of petitioner no. 2 in another case that they have been made accused in the present case. He submits that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have clean antecedent and one more case is pending against the petitioner no. 1 and three more cases are pending against the petitioner no. 2 earlier.

Considering the facts and circumstances of the case and materials on record, the period of custody and that charge-sheet has already been submitted, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Jhanjharpur, Dist.- Madhubani in connection with Andhramath P.S. Case No. 137 of 2018, G.R. No. 1153 of 2018



subject to the conditions:-

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

(2) The petitioners 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 their bail bonds.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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