

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15037 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- DAUDNAGAR District- Aurangabad

AWADHESH YADAV @ PUNJABI Son of Raj Kumar Yadav Resident of
Village - Babhandih, P.S.- Amas, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.08.2018 in connection with Daudnagar P.S. Case No. 248 of
2018 for offences punishable under Section 392 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he had taken his pick-up van with vegetables and was
on the way, two persons in their vehicle intercepted and took
away the keys of his pick-up van and his mobile.

It has been submitted by the learned counsel for the
petitioner that he is innocent, FIR has been lodged against
unknown and the petitioner's name surfaced during confessional
statement of co-accused Sanjay Kumar Sinha and thereafter on



his own extra judicial confessional statement before the police, which has no evidentiary value in the eye of law. He submits that other co-accused, on whose confessional statement the name of the petitioner surfaced, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 71806 of 2018 vide order dated 24.01.2019, charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and the petitioner is languishing in judicial custody for more than seven months.

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

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Daudnagar P.S. Case No. 248 of 2018, subject to the following conditions :

1. 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.

2. 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)

Rajesh/-

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