

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.16379 of 2019

Arising Out of PS. Case No.-185 Year-2018 Thana- MAHESHKHUNT District- Khagaria

AMIT KUMAR YADAV @AMAR YADAV, Male, aged about 23 years, Son
of Late Mohan Yadav, Resident of Village- Nayatola Jorabganj, P.S.- Kodha,
District- Katihar ... Petitioner

Versus

The State of Bihar

.. Opposite Party

Appearance :

For the Petitioner : M/s Ajay Kumar Thakur & Ritwaj Raman, Advs.
For the Opposite Party : Mr. Panchanand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
25.12.2018 in connection with Maheshkhunt P.S. Case No. 185
of 2018 for the offence alleged under Section 379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he withdrew Rs.3,00,000/- from the Union Bank of
India and went to the house of his acquaintance, four persons
riding in two motorcycles broke open the dickey of the
motorcycle and fled away with the said Rs.3,00,000/-. On
chase, two co-accused, including the petitioner, were
apprehended, but, two persons in another motorcycle fled away
with the money.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He, further,
submits that nothing has been recovered from the conscious



possession of the petitioner and the confessional statement of the petitioner before the police has no evidentiary value in the eye of law. It is, further, submitted that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

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

Considering the nature of allegations and that charge sheet has already been submitted and the fact that nothing was recovered from the conscious possession, 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 Maheshkhunt P.S. Case No. 185 of 2018 to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria, or the successor Court 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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