

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25033 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- JAMALPUR District- Munger

BITTU YADAV S/o Umesh Yadav Resident of Rupouli, P.S.- Rupouli,
District- Purnea. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26113 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- JAMALPUR District- Munger

PUNJABI YADAV S/O Niraj Yadav, Resident of Rupouli, P.S.- Rupouli,
District- Purnia. Petitioner

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25033 of 2019)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

(In CRIMINAL MISCELLANEOUS No. 26113 of 2019)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present cases are seeking anticipatory bail in connection with Jamalpur (Munger) P.S. Case No. 67 of 2018 registered for the offences punishable under Sections 406, 419 and 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that the name of the petitioners have transpired in this case in the confessional statement of co-accused Pravin Kumar, however, neither any mobile nor any other incriminating article has been



recovered from possession of the petitioners.

It is submitted that in the seizure list prepared by the Police recovery of mobiles of different numbers and ATM of various Banks have been shown from possession of the co-accused and some of them have been granted privilege of anticipatory bail.

Learned counsel produced a certified copy of order dated 06.08.2018 passed by learned 2nd Additional Sessions Judge, Munger passed in A.B.A. No. 759 of 2018 by which the co-accused Munna Singh @ Khariya from whose possession also no recovery was made has been granted anticipatory bail.

Learned APP for the State has opposed the prayer of anticipatory bail stating that these petitioners have got criminal antecedents, however, on going through the case diary of the present case, learned APP submits that so far as this case is concerned, there is nothing in the case diary to show that the petitioners have been identified either by the informant or by any other means of identification such as CCTV Camera and further there is no material showing that there are any recovery of incriminating article from their possession.

Learned counsel for the petitioners has explained that so far as criminal antecedents are concerned, the petitioners



have been implicated subsequently in all those cases on the strength of some confessional statements but in none of those cases anything has been recovered from possession of the petitioners and that those are false implication of the petitioners.

Considering the facts and circumstances of the case wherein the petitioners have neither been identified nor any incriminating article has been recovered from their possession and that the learned counsel for the petitioners has explained that their names have been brought in some other cases only subsequent to the present case, let the petitioners above named in both the cases, in case of their arrest or surrender within a period of four weeks from today in connection with Jamalpur (Munger) P.S. Case No. 67 of 2018 be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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