

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77440 of 2018**

Arising Out of PS. Case No.-68 Year-2003 Thana- MADHEPURA District- Madhepura

Mohan Prasad Yadav @ Mohan Yadav, S/o Late Gosai Yadav, R/o Vill.-
Lalapatti, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pramod Kumar Singh, Advocate.
For the Opposite Party : Mr. S.M. Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 17-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
25.10.2018 in a case for the offence registered under Section
395 of the IPC.

The prosecution story, in brief, is that 6-7 unknown
miscreants committed theft in the Kirana shop of the informant
situated in Biraili Bazar in the intervening night of 7/8.04.2003.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no
allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. On the earlier occasion, the petitioner absconded from the judicial custody while he was admitted in the hospital. He has remained in custody for about 10 months. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of confessional statement of co-accused. There is no recovery of any incriminating article from possession of the petitioner. No T.I. Parade was conducted. It is further submitted that the petitioner may be released on bail after completion of 13 months in custody.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail after completion of 13 months in custody on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Madhepura, in connection with Madhepura P.S. Case No. 68 of 2003, G.R. Case No. 242 of 2003, CIS No. 10131 of 2013.

The petitioner is directed to appear in the learned court below on each and every date during trial. If the petitioner fails to appear on two consecutive dates, learned court below



will be at liberty to cancel the bail bond of the petitioner.

U.K./-

(Sudhir Singh, J)

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