

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24255 of 2019

Arising Out of PS. Case No.-412 Year-2018 Thana- SASARAM NAGAR District- Rohtas

BUDHUWA YADAV @ SATYAM KUMAR @ BUDHWA YADAV, aged about 23 years, Male, Son of Late Sant Kumar Singh @ Late Sant Singh, Resident of Mohalla- Kuraich Mahabir Asthan, Ward No.-06, P.S.- Sasaram (T), District- Rohtas ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dhaneshwar Prasad Gupta, Adv.
For the Opposite Party : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-04-2019 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 18.02.2019 in connection with Sasaram (T) P.S. Case No. 412 of 2018 for the offences alleged under Sections 395, 397 and 412 of the Indian Penal Code.

The prosecution case, as lodged by a management trainee “V” Mart Rail Outlet of Sasaram, is that on 05.03.2018 at night when they were cross checking the stocks, which were being unloaded, six persons came and looted Rs. 13,18,597/- from the safe. They also looted CCTV Monitor, DVR, Hop Box, Wifi Box, Biometrics Machine, two mobiles, “T” shirts, Jeans, pants etc. and also threatened them.

It has been submitted by the learned counsel for the petitioner that he is innocent not named in the first information report and has been falsely implicated in the aforesaid case. He



submits that no recovery has been made from the possession of the petitioner neither cash nor other items, which were alleged to be stolen and the confessional statement of co-accused that the petitioner was also involved in the said occurrence is false and baseless and has no evidentiary value in the eye of law. It is, further, submitted that no test identification parade has been done so far and some of the co-accused, whose names surfaced during the course of investigation, have since been granted the privilege of bail by this Court and coordinate Benches of this Court in Cr. Misc. No. 36378 of 2018, dated 19.07.2018, Cr. Misc. No. 38386 of 2018, dated 05.09.2019, and Cr. Misc. No. 47784 of 2018, dated 20.09.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that that the petitioner does not bear a clean antecedent and four more cases are pending against him, some for more serious offence and some for similar offence.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail, **on completion of six months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sasaram (T) P.S.



Case No. 412 of 2018 to the satisfaction of the learned Chief
Judicial Magistrate, Rohtas at Sasaram, or the successor Court,
subject to the following conditions :

(i) 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.

(ii) 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)

Shamshad/-

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