

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25848 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- THAWE District- Gopalganj

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BACHA BABU YADAV @ BACHCHA BABU YADAV, aged about 19 years, Male, S/o Birendra Yadav, R/o Village- Siswaniya, P.S.- Uchakagaon, District- Gopalganj ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmindra Kumar Yadav, Adv.
For the Opposite Party : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-05-2019 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Thawe P.S. Case No. 31 of 2019 for the offence alleged under Section 414/34 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel, is that during patrolling duty, on secret information, they intercepted a motorcycle on which three persons, including the petitioner, were riding. On being stopped, two persons managed to flee away, but, the petitioner was apprehended with the motorcycle, which was in the name of accused, Vishal Yadav, who had fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, nothing incriminating article was recovered from his possession, only a



mobile was recovered and his confessional statement, before the police of indulging in road robbery with the associates, who had fled away, has no evidentiary value in the eye of law. He submits that even the motorcycle so seized was in the name of his associate, Vishal Yadav, hence, no offence has been committed by the petitioner, who is languishing in judicial custody since 28.02.2019.

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

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application as well as the fact that no incriminating article was recovered from the possession of the petitioner, 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 Thawe P.S. Case No. 31 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, or the successor Court.

(Nilu Agrawal, J)

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