

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36744 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- BIHARIGANJ District- Madhepura

SAGAR YADAV @ SUKH SAGAR YADAV, aged about 24 years, Male, Son
of Ashok Kumar @ Jawahar Yadav, Resident of Village - Bhaluahi, P.S.-
Gwalpara, District- Madhepura ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Sanjay Kumar Singh, Adv.
For the Opposite Party : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-06-2019 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
08.02.2019 in connection with Bihariganj P.S. Case No. 278 of
2018 for the offence alleged under Section 392 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he is Assistant Godown Manager, BISCOMAUN, at
Bihariganj, and after collecting Rs.14,14,000/- while he was on
his way, along with his nephew for depositing in the Bank, three
miscreants, on gun point, snatched the said money.

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 the confessional statement of co-accused, Kaila



Mandal @ Kailash Mandal, on whose statement the petitioner has been made accused, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 21363 of 2019, dated 07.05.2019. He, further, submits that no recovery of the alleged looted money has been made from the possession of the petitioner or from the house of the petitioner and the petitioner is languishing in judicial custody since more than four months. He submits that charge sheet has already been submitted and upto now no test identification parade has been done.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases were pending against the petitioner in which in one of them the petitioner has already been acquitted.

Considering the nature of allegations and that the co-accused, on whose confession the petitioner has been made accused, has already been granted bail and that charge sheet has already been submitted, 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 Bihariganj P.S. Case No. 278 of 2018 to the



satisfaction of Sri Abhimanyu Kumar, the learned Judicial Magistrate, 1st Class, Uda Kishunganj, Madhepura, 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) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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