

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50484 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- BIHPUR District- Bhagalpur

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KRISHNA YADAV S/o Dipak Yadav R/o village- Biratnagar Khargiri
Kohwara, P.S.- Biratnagar, District- Marad (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Abhay Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Bihpur
(Jhandapur) P.S. Case No. 107 of 2018 registered under Sections
406, 420, 379 and 411/34 of the Indian Penal Code.

Petitioner is said to have taken the tank lorry of the
informant to ply the same taking him in his confidence and fled
away with the said lorry containing 20,000 lts. diesel. Later on
he was apprehended with the aforesaid tank lorry and Rs.
10,88,000/- sale proceed of diesel which he had sold out to
accused Birendra Singh @ Birendra Mandal at the toll plaza.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case due to suspicion. He happens to



be cleaner of some other vehicle and he was apprehended by the police in the case while he was standing on the toll plaza in the wait of clearance of his vehicle. Though huge amount of diesel was being transported by the said tank lorry, but there was no cleaner on the said tank lorry and moreover the seizure list witnesses who were working on the toll plaza have turned hostile during the course of trial and have not supported the prosecution case of recovery of incriminating article from the possession of the petitioner. He has been languishing in custody since 16.03.2018. Earlier bail prayer of the petitioner was rejected vide order dated 08.10.2018 of this Court with direction to the learned lower court to dispose of the case within six months after commitment of the case with liberty to the petitioner to renew his prayer for bail if the trial is not concluded within the stipulated period but uptill now only two witnesses have been examined by the prosecution and the trial has not yet been concluded as evident from the report of the learned lower court submitted vide Letter No. 89 dated 26.08.2019

Having regard to the facts and circumstances of the case and considering the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge, Naugachia, Bhagalpur in connection with Bihpur (Jhandapur) P.S. Case No. 107 of 2018.

(Prakash Chandra Jaiswal, J)

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