

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76373 of 2019

Arising Out of PS. Case No.-639 Year-2019 Thana- BANKA District- Banka

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1. Mahesh Yadav Son of Narsingh Yadav Reseident of Village - Garbaran, P.S.- Katoria, Distt - Banka.
 2. Rakesh Yadav @ Burho Yadav @ Bidhi Son of Jitan Yadav Reseident of Village - Kadragora, P.S.- Katoria, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Banka P.S.
Case No. 639 of 2019 registered for the offence punishable
under Section 392 of the Indian Penal Code.

Three motorcycle borne criminals are said to have
looted away a bag of the informant containing Rs.1,43,000/-
collected by him from the field and his mobile and finger
printing machine on the point of pistol. The informant has
claimed to identify the miscreants witnessing them.

It is submitted by learned counsel for the
petitioners that the petitioners have no concern with the



aforesaid occurrence. They are not named in the FIR. There is no cogent incriminating material on the record indicating complicity of the petitioners in the occurrence barring the confessional statement of petitioner no. 1 Mahesh Yadav recorded by the police, which has no evidentiary value in the eye of law. Though, Rs. 9,000/- and two mobiles have been recovered from the possession of Mahesh Yadav and Rs. 9,000/- from the possession of Rakesh Yadav but, the aforesaid money and mobiles are hailing to the aforesaid petitioners. Neither the aforesaid mobiles and money nor the petitioners were put on T.I.P. Petitioners have no criminal antecedent and have been languishing in custody since 09.09.2019. Similarly situated co-accused, namely, Rajiv Yadav @ Luchi Yadav @ Lucho Yadav and Dinesh Yadav @ Dinesh Ydav have been enlarged on bail by different co-ordinate Bench of this Court vide orders dated 02.12.2019 and 28.11.2019 passed in Cr. Misc. Nos. 77534 of 2019 and 77371 of 2019, respectively.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of



the like amount each to the satisfaction of learned C.J.M. Banka
in connection with Banka P.S. Case No. 639 of 2019.

(Prakash Chandra Jaiswal, J)

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