

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16173 of 2020

Arising Out of PS. Case No.-51 Year-2014 Thana- JADIA District- Supaul

Manoj Yadav @ Manoj @ Bambam Yadav @ Bambam S/o Bikram Yadav
R/o village- Bhurra, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Choudhary, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 01-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial no. 326 of 2019 (arising out of Jadia P.S. Case no. 51 of 2014/G.R. no. 768 of 2014) registered under section 395 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that after taking orders from the Company and having collected a substantial amount to the tune of Rs. 2 lacs he proceeded towards Triveniganj. On way, his vehicle was overtaken by a motorcycle and six persons on the point of revolver took away total amount of Rs. 5.6 lacs from him.

It is submitted by learned counsel for the petitioner that the FIR was registered against six unknown and the name



of the petitioner transpired in course of investigation. It is further submitted that the petitioner was not put on TI parade and no incriminating article was seized from his possession. The case of the petitioner stands on a similar footing to that of co-accused Santosh Mehta who was enlarged on bail by order dated 30.11.2018 (Annexure 3) passed in Cr. Misc. no. 68994 of 2018. The petitioner is in custody since 1.7.2019. With respect to the trial, it is submitted that two out of the three witnesses have turned hostile.

The application for bail is opposed by learned APP for the State who submits that the trial having proceeded to a great extent, the petitioner may not be released on bail.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has remained in custody since 1.7.2019 and grant of bail to co-accused vide order dated 30.11.2018 (Annexure 3), the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with S.T. no. 326 of 2019 (arising out of Jadia P.S. Case no. 51 of 2014/G.R. no. 768 of 2014) on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge 6th, Supaul/In-charge Successor Court.



However, in view of the fact that the trial has proceeded and as per the report dated 17.6.2020 received from the Court below, only two witnesses remain to be examined, for appearance of whom bailable warrant have been issued, it is directed that the petitioner shall remain present in trial on each and every date. In case of absence of the petitioner on two consecutive dates for reasons not to the satisfaction of the learned trial Court, the bail of the petitioner shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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