

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14114 of 2021

Arising Out of PS. Case No.-5 Year-2018 Thana- AGIAON District- Bhojpur

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MOHAN YADAV S/O RAMAN SINGH @ RAMAYAN YADAV R/O
VILLAGE GIDHA, POLICE STATION DAWATH DISTRICT ROHTAS

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-03-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

 This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

 Petitioner seeks bail in connection with Agion Bazar P.S. Case No. 05 of 2018 for the offence registered under Section 395 of the Indian Penal Code.

 Learned counsel for the petitioner submits that he is not named in the FIR. The petitioner has been taken into custody on the basis of confessional statement of co-accused Kamlesh Singh @ Chataniya and Munna Paswan @ Mukhia Paswan, which has no evidentiary value.

 Learned counsel for the petitioner further submits that after he was taken into custody, he was identified by the informant in purely illegally manner. It is further submitted that such an identification cannot be sustained in the eye of law. It has been further submitted that except suspicion, there is no further material in



the case diary to support the allegation against the petitioner. It is also submitted that co-accused Kamlesh Singh @ Chataniya @ Chatani has been granted bail by this Court vide Cr. Misc. No. 20774 of 2018. It is also submitted that the petitioner has one antecedent namely Dawath PS Case No. 16 of 2011 in which he is on bail. The petitioner is in custody since 25.9.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara, in connection with Agion Bazar P.S. Case No. 05 of 2018, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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