

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Cr.Misc. No.50216 of 2008**  
**UDAY YADAV**  
**Versus**  
**STATE OF BIHAR**  
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**2. 23.12.2008**

Heard Sri Vivekanand Singh, Advocate for the petitioner and the learned A.P.P. for the State.

The case is under Section 395 and 397 IPC and the petitioner is in custody since 22.9.2008 without being put on test identification parade or anything being recovered from his possession. The extra judicial confession of a co-accused is the material on which the petitioner is in custody.

The contention is that similarly situated accused persons have been admitted to bail either by me in different petitions, a copy of one such order has been produced before me which was passed in Cr.Misc.No.48009 of 2008.

Let the above named petitioner be released from custody on furnishing bond of Rs.3,000/- (three thousand) with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Khagaria in Khagaria(Mansi)Rail P.S.Case No.20 of 2008.

( Dharnidhar Jha, J. )

**B.Kr.**