

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25287 of 2015**

Arising Out of PS.Case No. -108 Year- 2015 Thana -FATEHPUR District- GAYA

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Kamlesh Yadav son of Ram Chandra Yadav, Resident of village-  
Jehalibigha, P.S.- Fatehpur, District- Gaya

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Tej Narayan Singh, Adv

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

3      26-08-2015              Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-414/34 of the Indian Penal Code and the admitted position that the recovery of the alleged stolen Tractor and/or its Engine, was made, in front of community building in village-Jehali Bigha, and not from the conscious possession of the petitioner, this Court taking into account that he has also got no criminal antecedent is inclined to grant the privilege of anticipatory bail to the petitioner.



That being so, if the petitioner namely, **Kamlesh Yadav**, surrenders within a period of four weeks from today, he would 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 **C.J.M., Gaya** in connection with **Fatehpur P.S. Case No. 108 of 2015**, subject to the conditions laid down under Section-438 (2) Cr. P.C and also subject to the following conditions:-

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

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an



undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

**(Mihir Kumar Jha, J)**

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