

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4011 of 2016

Arising Out of PS.Case No. -423 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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Upendra Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 15-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Madhubani Town P.S. case No. 423 of 2015 registered for the offence punishable under Section 414 of the Indian Penal Code.

Allegedly, acting on a tip-off, one hand cart was caught loaded with motor cycle parts and after chase, the petitioner and co-accused Md. Shahid were apprehended and they stated the name of Md. Kalam that they used to steal the motorcycle and used to sell their parts in *kabadi* shop. As per seizure list, parts of motorcycle were recovered.

Submission is of false implication and that the petitioner being the driver of handcart, was falsely implicated by co-accused. The petitioner was not aware that the articles were the

stolen articles, the petitioner is suffering in custody since 20.09.2015 having no criminal antecedent.

Learned A.P.P. submits that from handcart of the petitioner, huge quantity of stolen parts of motorcycle were recovered.

In the facts and circumstances stated above and considering the detention of the petitioner and further he has got no criminal antecedent, now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M. Madhubani arising out of Madhubani Town P.S. case No. 423 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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