

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34161 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -BUXAR District- BUXAR

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1. Anish Kumar Yadav, S/o Sri Motilal Yadav, Resident of Village- Tikri
Chitbaragaon, P.S.- Ballia Kotwali, District- Ballia (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai

For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.05.2017 in connection with Buxar Town P.S. Case No.
120/2017 for offences punishable under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had parked his motorcycle outside Buxar court and
on returning he found his motorcycle missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and just because he has a criminal antecedent and on the



basis of confessional statement of co-accused Satish Kumar and Pintu before the police, which has no evidentiary value in the eye of law, he has been made accused. He submits that nothing has been recovered from his conscious possession and that another co-accused on similar allegations has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No 30293 of 2017 on 11.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was apprehended along with five others in a mechanic garage from where 10 stolen motorcycles have been recovered, he is involved in two more cases earlier of similar nature and is a habitual offender.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 120/2017, subject to the condition that both the bailors would be a close relative of the petitioner and if the petitioner indulges in an offence of similar nature in future, the



prosecution will be at liberty to move the learned court below
for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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