

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31447 of 2017

Arising Out of PS.Case No. -521 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Vinod Yadav @ Vinod Kumar Yadav Son of Jai Govind Yadav, Resident of
Mohalla- Noniyar Toli, Ward No.7, Police Station- Kalibag (O.P.), P.S.-
Bettiah (Town), District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.01.2017 in connection with Bettiah (Town) P.S. Case No. 521
of 2016 registered for the offence punishable under Section 379 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he was working as night-guard in Hazarimal Dharmshala and
he attended duty by coming on his motorcycle. In the morning
after duty hour, he found his motorcycle missing. From the CCTV
footage, he found four persons near his motorcycle in the night
when he had gone for duty and from the said CCTV footage,



which he submitted before the police, two persons were found there who had stolen the motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, has falsely been implicated in the aforesaid case only on the basis of suspicion and because of his past criminal antecedent. He submits that nothing has been recovered from his conscious possession and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is a habitual offender, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 521 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that



petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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