

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32170 of 2017

Arising Out of PS.Case No. -35 Year- 2007 Thana -BITHAN BAZAR District- SAMASTIPUR

=====

Kajal Yadav Son of Satto Yadav Resident of Village-Dhanoja P.S. Mahishi
District-Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-09-2017 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with Bithan P.S. Case
No. 35/2007 for offence punishable under Section 392 of the
Indian Penal Code.

The prosecution case as lodged by the informant is that
while he was returning home along with another person on a
motorcycle, some miscreants came on two motorcycle with fire-
arm and on gun point snatched his motorcycle.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and during
investigation his name surfaced. He further submits that he is in
custody since 30.08.2016 and motorcycle was recovered in an



abandoned condition and not from the house of the petitioner. Although eight cases are pending against him, but in all cases he is on bail. The charge-sheet has been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. vehemently opposes the prayer for bail stating therein that the petitioner is a veteran criminal and as many as eight cases of serious nature are pending against him. The informant had knowledge that stolen motorcycle is with the petitioner and when he had gone for release of his motorcycle, the petitioner did not return the motorcycle and later left it in an abandoned condition.

Considering the facts and circumstances and materials on record and the period of custody, let the petitioner named above, 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 the learned Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Bithan P.S. Case No. 35/2007, subject to the condition that both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/court, who would file an affidavit stating their relationship with the petitioner



and that the petitioner will appear before the learned court below on each and every date during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of bail bond.

(Nilu Agrawal, J)

Vinita/-

U		T	
---	--	---	--

