

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38180 of 2018**

Arising Out of PS. Case No.-195 Year-2017 Thana- GOPALPUR District- Patna

Shivam Yadav, Son of Ramesh Prasad Yadav, Resident of Mohalla- Majar  
Bah Kalu Khan, Sadar Gali, P.S.- Khajekalan, District- Patna, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brajesh Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasadd, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      06-07-2018      Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

Petitioner is languishing in judicial custody since  
18.10.2017 in connection with Gopalpur P.S. Case No. 195 of  
2017 registered for the offence punishable under Sections 379,  
411, 414, 401, 403, 413, 467, 468, 471, 419, 420 and 34 of the  
Indian Penal Code.

The prosecution case, as lodged by the police  
personnel is that during vehicle checking they intercepted two  
motorcycles carrying four persons. They failed to provide  
required papers and were found to be stolen one. On their tip-  
off houses of Nicky Yadav and Ricky Kewat were searched and  
name of other co-accused involved in selling of stolen  
motorcycles and preparing fake registration number came to



light. The petitioner, who is brother of Nicky Yadav, was apprehended while stealthily taking away stolen motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is not involved in the commission of any offence. He submits that he did not know that the motorcycle had been stolen one and he was just permitted to use the motorcycle by his brother. It is further submitted that some of the co-accused have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 12120 of 2018 vide order dated 19.04.2018 and Cr. Misc. No. 8497 of 2018 vide order dated 13.02.2018. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-IX, Patna in connection with Gopalpur P.S. Case No. 195 of



2017, subject to the condition that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

**(Nilu Agrawal, J.)**

Arjun/Ragini

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