

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3426 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- DUMRAO District- Buxar

Suresh Yadav, Male, aged about 45 years, son of Late Butan Singh, R/O
Village-Rampur Mathia, P.S- Simari, District- Buxar ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Adv.

For the Opposite Party : Ms. Sharda Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
02.08.2018 in connection with Dumraon P.S. Case No. 266 of
2018 (G.R. No. 2142 of 2018) for the offence alleged under
Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had parked his Bolero jeep on the road near his
house, he found it traceless in the morning. It is alleged that co-
accused, Tuntun Rai and Rajesh Rai, have stolen his Bolero
jeep.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. It is, further, submitted that the petitioner is
not named in the first information report, nothing has been
recovered from his possession, no test identification parade has



been done so far and the confessional statement of the co-accused before the police has no evidentiary value in the eye of law. It is, further, submitted that just for the criminal antecedent for similar offence he has been made accused in the present case. It is, further, submitted that one of the co-accused, on similar circumstances, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 65052 of 2018, dated 29.10.2018, and that charge sheet has already been submitted, there being no allegation of tampering of the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in three more cases of similar nature earlier.

Considering the facts and circumstances as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Dumraon P.S. Case No. 266 of 2018 (G.R. No. 2142 of 2018) to the satisfaction of the learned Chief Judicial Magistrate, Buxar, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) 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)

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