

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16354 of 2019

Arising Out of PS. Case No.-33 Year-2018 Thana- BALUA BAZAR District- Supaul *

SUBHASH YADAV @ SUBHASH KUMAR Son of Kashindra Yadav R/o
Mohl-Thalha, Champa Nagar, P.S- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr.Indra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody
in connection with Balua Bazar P.S. Case No. 33 of
2018 for offences punishable under Section 379 of the
Indian Penal Code.

The prosecution case, as lodged by the
informant, is that his son Vikash Kumar had parked his
TVS motorcycle in front of beetle shop and when he
returned he found his motorcycle stolen.

It has been submitted by the learned counsel
for the petitioner that he is innocent, was arrested with
the stolen motorcycle for which Raghapur P.S. Case
No. 148 of 2018 has been lodged in which the



petitioner has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 1952 of 2019 vide order dated 15.01.2019 and for the same offence the present case has been lodged which amounts to double jeopardy. He further submits that the petitioner has been languishing in judicial custody since 20.06.2018 in connection with Raghapur P.S. Case No. 148 of 2018, has been remanded in the present case on 09.10.2018 and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations 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, Supaul, in connection with Balua Bazar P.S. Case No. 33 of 2018, subject to the condition that 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.

(Nilu Agrawal, J)

Rajesh/-

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