

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12978 of 2019

Arising Out of P.S. Case No.-254 Year-2018 Thana- THAWE District- Gopalganj

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1. PAWAN KUMAR YADAV, aged about 28 years (male), Son of Late Narayan Yadav Resident of Village - Naya Tola, Jurabganj, P.S.- Kordha, Distt.- Katihar, presently residing at Western Bari, P.S.- Kishanganj, Distt.- Kishanganj.
 2. Amar Yadav @ Kanhaiya Yadav, aged about 20 years (male), Son of Late Baigan Yadav, Resident of Village - Naya Tola, Jurabganj, P.S.- Kordha, Distt.- Katihar, presently residing at Western Bari, P.S.- Kishanganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Prasad Singh, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since
21.12.2018 in connection with Thawe P.S.Case No.254 of 2018
for the offence alleged under Sections 413, 414 and 420/34 of
the Indian Penal Code.

The prosecution case as lodged by the police
personnel is that on secret information that two persons are with
the motorcycle in a suspicious condition, the police
apprehended the petitioners who could not show any valid paper
regarding the ownership of the motorcycle. On their confession



that they have regularly indulged in stealing of motorcycles and also revealed the name of other persons involved in the said offence as the petitioners were arrested. A seizure list was accordingly prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bears no criminal antecedent and the confessional statement is not supported by their criminal history which falsifies the prosecution story. Their confessional statement before the police has no evidentiary value in the eye of law and the petitioners undertake to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

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

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Thawe P.S.Case No.254 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, subject to the following conditions:-

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



petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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