

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15013 of 2019

Arising Out of P.S. Case No.-207 Year-2017 Thana- KHARIK District- Bhagalpur

MAUSHAM YADAV, aged about 20 years (male), Son of Late Subodh Yadav, Resident of village- Bhawanpura, Police Station- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 24.08.2018 in connection with Kharik P.S.Case No.207 of 2017 for the offence alleged under Sections 386/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he had taken motorcycle of his relation Akhilesh Singh in the market, the petitioner along with co-accused Sintu Yadav on gun point snatched away his motorcycle. Earlier also the petitioner had asked for the motorcycle which was not given by the informant.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that the motorcycle alleged to be stolen has not been recovered from the house of the petitioner nor from the possession of the petitioner and just because the petitioner and the informant were on inimical terms, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases under the Arms Act is pending against him.

Considering the nature of allegations and 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 Kharik P.S.Case No.207 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachia, District-Bhagalpur 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) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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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