

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22416 of 2019

Arising Out of P.S. Case No.-299 Year-2018 Thana- KHUSRUPUR District- Patna

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PAPPU YADAV, aged about 32 years, Male, Son of Moti Yadav @ Moti Singh, Resident of Village- Gobindpur, P.S.- Khusrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 15.12.2018 in connection with Khusrupur P.S.Case No.299 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 motorcycle in his *Dalan* and in the night when he went for natural call in the torch light, he saw the petitioner and four others stealing his motorcycle. In the morning when he asked for the motorcycle, the petitioner refused to hand it over.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and due to village politics, the petitioner has been made accused. He



submits that the stolen motorcycle has not been recovered from the possession of the petitioner and the petitioner is languishing in judicial custody since nearly four months, chargesheet having been submitted, there being no allegation of tampering with the prosecution evidence or witnesses.

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

Considering the nature of allegations, the period of custody and that chargesheet has already been submitted coupled with the fact that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, 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 Khusrupur P.S.Case No.299 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna City (Patna), 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)

B.Kr./-

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