

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82998 of 2019**

Arising Out of PS. Case No.-232 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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1. Bipin Kumar Yadav @ Vipin Kumar Yadav, Son of Devendra Yadav, Resident of Village - Jogiya, P.S. - Ladaniya, District - Madhubani.
 2. Murti Lal Yadav, Son of Late Shiphat Yadav @ Late Siphait Yadav, Resident of Village - Jogiya, P.S. - Ladaniya, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-03-2020 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners in the present case are seeking regular bail in connection with Madhubani Town P.S. Case No.232 of 2019 registered for the offence punishable under Section 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the name of these petitioners have come in the confessional statement of the co-accused namely Md. Gulzar who has alleged that these petitioners were purchasing the stolen motorcycles. Learned counsel submits that so far as the present case is concerned, the petitioners have not been identified stealing the motorcycle and



there is no recovery of the said motorcycle from the possession of these petitioners. The two motorcycles which have been allegedly recovered by the police have been recovered from a different place and not from the house of these petitioners and after the present occurrence these petitioners have been involved in many other cases of similar nature, but in all these cases the petitioners are not named in the FIR.

Learned APP has opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case and the submission that so far as the present case is concerned, the petitioners have not been identified stealing the motorcycle and the said motorcycle has not been recovered from the possession of these petitioners who are in custody since 06.07.2019, the investigation against them is complete and it is not the submission of the prosecution that release of the petitioners on bail is likely to interfere with the course of trial and/or the petitioners may indulge in tampering with the evidence, let the petitioners above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Madhubani Town P.S. Case No.232 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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