

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13084 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- THARTHARI District- Nalanda

Roshan Yadav @ Gaurab Kumar @ Rajiv Yadav @ Rohana, S/o Satyendra Prasad, R/o Village- Mahrajganj, P.S.- Ekangarsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Tharthari P.S. Case No.102 of 2020 registered for the offence punishable under Sections 420 and 379/34 of the Indian Penal Code.

The Road Breaker Machine of the informant was taken by his Driver on requisition. The same was left at the



place from where it had been requisitioned. Requisition was made from the mobile phone standing in the name of the petitioner. From the school where the machine was taken, it had gone missing on 03.07.2020.

Petitioner's counsel submits that in respect of the alleged theft of the machine, FIR has been lodged after a delay of six days. In fact, a dispute was raised with respect to payment of higher rate than the rate fixed. The petitioner was a labourer and his phone was used for requisitioning the machine. He has thus become a victim of circumstances. From the seizure list, it is apparent that the machine was recovered after eight days from beside the house of one Raj Kishore Yadav with whom the petitioner has no concern. The petitioner was made accused in one more case as detailed in paragraph 3 of the bail petition. Petitioner is stated to be in custody since 08.10.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned 1st Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Tharthari P.S. Case No.102 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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