

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14530 of 2021**

Arising Out of PS. Case No.-168 Year-2020 Thana- KAKO District- Jehanabad

RAJ KUMAR YADAV S/o Mannu Prasad @ Mannu Yadav R/o village-
Maimath, P.S.- Kako (Belawar), District- Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

3 30-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kako (Bhelawar) P.S. Case No. 168 of 2020 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant parked his Passion Pro motorcycle in the courtyard of one Md. Mumtaz. After some time when he came outside he didn't find his motorcycle and then he informed this to the police. On search from CCTV footage and



after verification by villagers the name of the petitioner has come out.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the alleged motorcycle was recovered by the west side of the canal near bridge. Learned counsel submits that the petitioner is in custody since 18.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the nature of allegations and submission of learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner, the alleged motorcycle was recovered by the west side of the canal bridge and the petitioner is in custody since 18.08.2020, investigation against him is complete, however the trial is not likely to be concluded in near future, in the only case stated in paragraph '3', he is on bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Jehanabad in connection with Kako (Bhelawar) P.S. Case No. 168 of 2020 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

