

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26817 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- MATIYARIA District- West Champaran

CHHATHU YADAV, S/o Late Birjan Mukhiya @ Birjhan Yadav, R/o village-
Hardi Belahwa, P.S.- Matiyariya, District- West Champaran
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

The petitioner who is in custody since 12.01.2021
seeks regular bail in connection with Matiyariya P.S. Case No. 3
of 2021 registered for offences punishable under Sections 413
and 414/34 of the Indian Penal Code.

It is the case of the prosecution that one motorcycle
bearing registration no. BR-22AA-2836 was recovered from the
house of the petitioner and other two motorcycles were also
recovered from the house of other co-accused persons, no paper
relating to the registration number of the same was produced by
the petitioner, seizure list was prepared in front of two witnesses
and in the presence of the petitioner.

The learned counsel for the petitioner submits that



petitioner is a purchaser of the motorcycle and he is an illiterate person and he was not aware of the fact that the said motorcycle was a stolen one. He further submits that petitioner has one criminal antecedent against him relating to Matiyariya P.S. Case No. 17 of 2015 in which he has been released on bail. He further submits that there is no fault of the petitioner and taking into consideration the period of custody, the petitioner may be released on bail.

The learned counsel appearing for the State submits that petitioner has previous criminal antecedent and there is direct allegation against him that the stolen motorcycle was recovered from the house of the petitioner and as such he does not deserve to be released on bail.

Considering the facts and circumstances of the case, 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 to the satisfaction of the learned Additional Chief Judicial Magistrate, IV, West Champaran at Bettiah, in connection with Matiyariya P.S. Case No. 3 of 2021 subject to the following conditions :

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or induce the witness(es) of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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