

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28446 of 2021

Arising Out of PS. Case No.-65 Year-2017 Thana- KATORIYA District- Banka

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NARESH YADAV, Son of Shaligram Yadav, Resident of Village - Kharba,
P.S.- Sariyahat, Dist.- Dumka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 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 Mr. Shantanu Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Katoriya P.S. Case No. 65 of 2017 registered for the offence punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 09.02.2021. Petitioner has no criminal antecedent.

As per the prosecution story, on 25.05.2017, while the informant along with his mother was sitting in his shop situated at Jamdaha Hatiya, four miscreants came on two motorcycles and looted the money box kept in his shop and fled away. The



informant along with other tried to chase them upon which the said miscreants fled away towards forest leaving their motorcycles.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the owner of the seized motorcycle is one Taiyab Ansari, however, the name of the petitioner has transpired as the purchaser of the said motorcycle which was allegedly used in the occurrence which took place on 25.05.2017. It is further submitted that after two years of the alleged occurrence. The petitioner has purchased the motorcycle under bonafide belief. He is in custody since 09.02.2021.

Mr. Shantanu Kumar, 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 wherein it appears that the owner of the seized motorcycle is one Taiyab Ansari, however, the name of the petitioner has transpired as the purchaser of the said motorcycle which was allegedly used in the occurrence which took place on 25.05.2017, the submission being that after two years of the alleged occurrence if the petitioner has purchased the motorcycle under bonafide belief without there being any



information that the said motorcycle was used in commission of any crime, he having been remained in custody since 09.02.2021 deserves privilege of bail.

In the circumstances, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 65 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.

