

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11118 of 2021

Arising Out of PS. Case No.-370 Year-2020 Thana- BODHGAYA District- Gaya

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Awdhesh Kumar @ Awadesh Kumar, Son of Shri Ram Prasad @ Prasad
Yadav, Resident of Village - Gopi Bigha, P.S. - Magadh Medical , District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 31-08-2021 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 Bodh
Gaya P.S. Case No.370 of 2020 registered for the offence
punishable under Sections 413, 467, 468/34 of the Indian Penal
Code.

Co-accused Arvind Kumar, Pawan Kumar and



Awadhesh Kumar (petitioner) have been arrested along with a black coloured Splendor motorcycle.

Petitioner's counsel submits that the petitioner has become a victim of circumstances. He was not aware that the motorcycle was stolen. He has no criminal antecedents and has become involved in this case only because he happens to be the brother of co-accused Subodh against whom there is an antecedent of similar nature and from whom other stolen motorcycle has been recovered. The petitioner is in custody since 16.10.2020.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya P.S. Case No.370 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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