

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5306 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- PAKRIDAYAL District- East Champaran

Manoj Kumar Yadav, Son of Ramadhar Ray @ Ramdhar Ray, Resident of Village- Pakaridayal Jagatiya, Ward No. 2, P.S.- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from today.

In the present case, the petitioner seeks bail in connection with Pakridayal P.S. Case No. 224 of 2021 registered for the alleged offences under Sections 379 and 411 of the Indian Penal Code.

The prosecution case is that the co-accused Ratan Kumar stole away the tractor of the informant and later on named the petitioner as one of his associates in the crime.

It has been submitted by the learned counsel for the petitioner that the petitioner has not been named in the FIR and



due to enmity, the named co-accused Ratan Kumar has taken the name of the petitioner for being his associate. Nothing incriminating has been recovered from the possession of the petitioner and the recovery of the tractor was made from the in-laws of the accused Ratan Kumar. The petitioner is in custody since 31.10.2021.

Learned APP has opposed the prayer for bail, submitting that the petitioner is accomplice of the co-accused Ratan Kumar.

Having regard to the submission made hereinabove and considering the fact that except the confessional statement of co-accused Ratan Kumar, there is nothing on record against the present petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Judicial Magistrate-5th, Motihari, East Champaran/court concerned in connection with Pakridayal P.S. Case No.224 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner, preferably one of the parents.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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