

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8983 of 2022

Arising Out of PS. Case No.-51 Year-2018 Thana- KHUDAGANJ District- Nalanda

DHARMENDRA YADAV @ DHARMENDRA KUMAR SON OF SHIVJI
YADAV @ SHIVJEE PRASAD R/O VILLAGE- CHANDA CHAK, P.S.-
NIMCHAK BATHANI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 379/34 of the Indian Penal Code.

The case relates to commission of theft of pick up van
bearing Registration No. BR-21 GA-4915.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of confessional
statement of the co-accused, Subhash Yadav, he has been made
accused in this case. In fact, nothing has been recovered from the
conscious possession of the petitioner. Moreover, the co-accused,
namely, Subhash Yadav, who disclosed the name of the petitioner,



has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.10.2021 passed in Cr. Misc. No. 19873 of 2021. He further submits that similarly situated other accused persons, namely, Praduman Kumar, Vivek Kuamr and Sannu Kumar have already been granted bail by different Benches of this Court vide order dated 26.11.2021, 22.12.2021 and 06.01.2022 passed in Cr. Misc. No. 32763 of 2021, Cr. Misc. No. 43642 of 2021 and Cr. Misc. No. 52576 of 2021 respectively. The petitioner is rotting in judicial custody since 20.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Khudaganj P.S. Case No. 51 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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