

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21206 of 2021**

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

SUBODH YADAV @ SUBODH KUMAR @ HERO SON OF RAM
PRASAD YADAV VILLAGE GOPI BIGHA P.S MAGADH MEDICAL
COLLEGE, DISTRICT GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

6 19-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 15.10.2020,
seeks regular bail in connection with Bodh Gaya P.S. Case No.
370 of 2020 for the offence punishable under Sections 413, 467
and 468/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 15.10.2020 at
8.00 A.M., the informant along with other Police personnel
received secret information that Subodh Yadav @ Subodh
Kumar @ Hero is sitting near D.P.S School, Dhanwan along
with stolen black colour pulsar motorcycle. Thereafter,



informant and other Police personnel reached there and on demand of paper regarding ownership of the said vehicle, the petitioner could not produce any document.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the alleged motorcycle, though recovered from the possession of the petitioner, but the same do not belong to him, he was just waiting for some persons and it was mere coincidence that he was apprehended with the said stolen motorcycle. He further submits that other similarly situated co-accused has already been released on bail by this Court.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case and the fact that there is no allegation of tampering of evidence or influencing the witnesses, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) 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:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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