

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10926 of 2022**

Arising Out of PS. Case No.-111 Year-2021 Thana- NAUTAN District- West Champaran

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Mantu Yadav S/o Budhu Yadav Resident of Village - Maruwaha, P.S. -
Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 111 of 2021 registered for the offence under
Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and



is in custody since 30.09.2021. The petitioner is remanded in this case from Nautan P.S. Case No. 194 of 2021, in which he is on bail.

The allegation against the petitioner is to have in possession of stolen motorcycle, which is subject matter of Nautan P.S. Case No. 194 of 2021 registered under Sections 413 and 414 of Indian Penal Code and Sections 30 and 30(a) of Bihar Prohibition and Excise Act.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of stolen motorcycle is not from the conscious possession of the petitioner. It has been submitted that the petitioner had purchased the motorcycle, believing it to be not stolen. It is pointed out that petitioner is involved in one more criminal case related with excise, in which he is on bail. While concluding the argument, it is submitted that chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical



possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nautan P.S. Case No. 111 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be Santosh Kumar @ Santosh Yadav, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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