

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15075 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- BELA District- Sitamarhi

SINGESHWAR RAI YADAV, Son of Kailash Rai Yadav Resident of Village -
Raghunathpur, P.O. and P.S. - Goshala, District - Mahotory (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard Mr. Bindeshwari Singh, learned senior
counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Bela
P.S. Case No. 197 of 2021, registered for the offences
punishable under Section 414 of I.P.C.

As per allegation, on search by patrolling party of
SSB, Sitamarhi, Indian currency of Rs. 69,420/-, Nepali
currency of Rs. 9,42,195/-, one mobile phone and one Hero
Honda Splendor Plus motorcycle were recovered from the
petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the whole case is



misconceived as this case has been registered under Section 414 IPC without registration of any prior case for theft of the alleged recovered articles. He further submits that the FIR has been registered only on the basis of presumption of theft without any cogent/legal basis. He further submits that the recovered motorcycle belongs to his friend, namely, Kamal Kishore, who is a co-worker with the petitioner and he had hired it from his friend. He further submits that the maximum punishment for alleged offence is three years and the petitioner is in custody since 14.10.2021, i.e., for more than nine months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances the petitioner, above-named, is directed to be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (Sadar), at Sitamarhi in connection with Bela P.S. Case No. 197 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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