

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21375 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- BAGHA District- West Champaran

RAUSHAN YADAV Son of Dhunaru Yadav Resident of Village - Pratappur,
P.S.- Simara, District - West Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwanath Prasad

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 414/34 of the Indian Penal Code.

The substance of the prosecution story is that on seeing the police party petitioner made an attempt to flee with motorcycle but he was apprehended by the police and he could not produce relevant document to justify his legal possession over the said motorcycle and therefore the said motorcycle was presumed to be stolen and as per police the petitioner was involved in illicit business of wine and used the recovered motorcycle in the commission of the offence under Excise Act.

The main submissions advanced by Sri Vishwanath Prasad



learned counsel appearing for the petitioner are that alleged motorcycle belonged to Rinku Thakur and petitioner used to drive it time to time and he has been languishing in jail since 9.1.2022 and against him, there is criminal antecedent of two cases in which he is on bail.

Learned APP Sri Arun Kumar has opposed the prayer for bail.

In view of above submissions and considering partitioner's custody period as well as his young age mentioned in his petition ends of justice demands lenient approach of this court. Accordingly, petitioner is directed to 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 the Addl. Chief Judicial Magistrate I, Bagaha, West Champaran in Bagaha P.S Case No. 18 of 2022 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Bagaha P.S Case No. 479 of 2022 and Bhairavganj P.S Case No. 692 of 2022 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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