

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28169 of 2022**

Arising Out of PS. Case No.-6 Year-2022 Thana- SHAHKUND District- Bhagalpur

DEEPAK YADAV SON OF GULAB YADAV R/O- KASHAWA KHERHI,
P.S.- SHAHKUND, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan
For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 13-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Shahkund P.S. Case No. 06 of 2022 registered for the offences
punishable under Sections 379 and 34 of the Indian Penal Code.

As per prosecution case, the tractor of informant
was also standing in front of his house. In the night of
02.01.2022 the tractor was stolen and during course of search,
the informant came to know that the petitioner alongwith other
co-accused persons had committed theft of the tractor. It is
further alleged that the petitioner namely Deepak Yadav was the
driver of the said tractor and when the informant removed him



due to some dispute then the petitioner had given threat to the informant that he will steal his tractor.

Learned counsel for the petitioner submits that petitioner is in custody since 19.01.2022. Petitioner bears criminal antecedent of three cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner rather the said truck was recovered from MSB Brick kiln situated under Sabour Police Station. The petitioner has no concern with the said brick kiln. Learned counsel further submits that the F.I.R. will lodged after delay of four days as there is no reasonable explanation for the delay thereby causing a serious doubt on the prosecution story which is nothing but just an afterthought to implicate the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted there is no likelihood of tampering with the prosecution story and also taking into consideration the material available on record, let the petitioner above named be released



on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Bhagalpur in connection with Shahkund P.S. Case No. 06 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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