

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28815 of 2022

Arising Out of PS. Case No.-1 Year-2021 Thana- ARER District- Madhubani

Sanjiv Yadav, S/o Sri Mohan Yadav, R/o village- Bramotra (Mahuli), P.S.-
Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Gagan Deo Yadav, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Arer P.S. Case No. 01 of 2021 registered for the offences punishable under Sections 411, 413, 414, 467, 468, 471 of the Indian Penal Code.

As per prosecution case, it is alleged that the police got information that some accused persons have assembled in the school and were fighting for their shares, proceeded towards the place of occurrence, however, upon noticing the police party,



the accused persons fled away, but the name of the petitioner and others were disclosed by the local Chaukidar. The police recovered two stolen motorcycles from the place of occurrence, for which there had already been First Information Report, bearing Arer P.S. Case No. 140 of 2020 under Section 379 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered. He submits that from the seizure list, it appears that the recovery has been made from the field, adjacent to Arer Bachcha Jha High School, and not from the possession of the petitioner. He further submits that other co-accused persons named in the F.I.R., having identical allegation, have already been granted bail by the learned co-ordinate Bench of this Court, the copy of which has been annexed in Annexure 2 series to the bail application. He lastly submits that though the petitioner is named in four other criminal cases, however, three cases are arise out of the same incidence, which is also evident from the F.I.R. itself and, moreover, the petitioner is in custody since 09.01.2021, though the investigation of the crime is completed and charge sheet has already been submitted.



On the other hand, learned APP for the State opposes the bail application, however, he is unable to confront the submissions that other co-accused persons, having identical allegation, have already been granted bail by the learned co-ordinate Bench of this Court.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged stolen motorcycles have been recovered from a field, adjacent to a high school, and not from the possession of the petitioner and other co-accused persons, having identical allegation, have already been granted bail by the learned co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipatti, Madhubani in connection with Arer P.S. Case No. 01 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

