

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30658 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

NITESH @ BITTU YADAV Son of Bhut Nath Yadav Resident of Mohalla-
Koilaghat, Police Station-Jogsar (Adampur), District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 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 of the Indian Penal Code.

Allegedly, during course of vehicles checking, petitioner

was found driving motorcycle and he was stopped by the police party

and thereafter he could not produce relevant document justifying his

possession over the said motorcycle as such he was arrested.

The main submissions advanced by Sri Najmul Hodda,

the learned counsel appearing for the petitioner are that FIR itself

goes to show that petitioner has purchased the alleged vehicle in

good faith on mortgage and on account of non-submitting relevant

paper regarding his ownership of the said motorcycle before the



police, present case was lodged. Further submission is that the petitioner is an employee in Reliance Jio Fiver and has been languishing in jail since 14.1.2022 and he is not habitual offender and against him, there is one more case and it has wrongly been mentioned in the order of the learned court below that he is a habitual offender.

Sri Arun Kumar Pandey, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and petitioner's custody period, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner 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 Chief Judicial Magistrate, Bhagalpur in Ishakchak P.S Case No. 10 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.

(Shailendra Singh, J)

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