

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29858 of 2022**

Arising Out of PS. Case No.-236 Year-2021 Thana- KATORIYA District- Banka

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GOPAL YADAV @ GURAN YADAV @ GOPAL S/o Late Nand Kishore  
Yadav R/o village- Gopdih, P.S.- Chandan, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Brij Nandad Prasad  
For the Opposite Party/s : Mr.Manoj Kumar

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

2      14-07-2022                      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 Katoia  
P.S. Case No. 236 of 2021 registered for the offences punishable  
under Section 379 of the Indian Penal Code.

As per prosecution case, there is accusation that on  
11.08.2021 petitioner and his son committed theft of two  
buffaloes alongwith two calves of the informant.

Learned counsel for the petitioner submits that  
petitioner is in custody since 03.02.2022 and bears criminal  
antecedent of one case in which he is on bail. Charge sheet has  
been submitted in the case and there is no likelihood of



tampering the evidence. He further submits that the allegation levelled against the petitioner is totally false and he has falsely been implicated in this case due to dirty village politics. He further submits that alleged occurrence took place on 11.08.2021 while it is reported to the police station on 06.09.2021 without explanation of delay of 26 days.

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

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence 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 Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 236 of 2021, 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)**

shahzad/-

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