

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44138 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- LADANIA District- Madhubani

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BHOLA YADAV S/O SRI LAXMI YADAV RESIDENT OF VILLAGE-
SIDHAP KALA, P.O-KUMAR KHET, P.S-LADANIYA, DISTRICT-
MADHUBANI (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Shankar Pandey, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 28.03.2021, seeks
regular bail in connection with Ladaniya P.S. Case No. 66 of
2021 registered for offences punishable under Section 379 and
411 of the Indian Penal Code.

Prosecution case, in brief, is that petitioner alongwith
other co-accused persons had stolen the motorcycle bearing
Registration No. BR 32X 1696 of the informant while he had
parked it in his *Dalan*.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The said motorcycle was parked in the *Dalan* of the petitioner which is far away from his house. The other co-accused persons had parked the said stolen motorcycle in his *Dalan* about which he has no knowledge. Petitioner is innocent and he is in custody since 28.03.2021.

Learned A.P.P. for the state has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, petitioner has stated in paragraph no. 3 that he has clean criminal antecedent and he has unnecessarily been made accused in this case due to enmity and there the main accused is one Chandan Paswan against whom there is direct allegation that he is a habitual criminal, the Court below is directed to ascertain the criminal antecedent of the petitioner, if there is no other criminal antecedent against him as stated in paragraph no. 3 of the present bail application, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned J.M., 1st Class Madhubani in connection with Ladaniya P.S. Case No. 66 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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