

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44608 of 2021

Arising Out of PS. Case No.-118 Year-2021 Thana- PIPRAKOTHI District- East Champaran

ASHOK YADAV Son of Mukhtar Rai Resident of Village- Semuapur, P.S.-
Dumariyaghat, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-03-2022 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 22.04.2021, seeks
regular bail in connection with Piprakothi P.S. Case No. 118 of
2021 registered for offences punishable under Sections 461 and
379 of the Indian Penal Code.

Prosecution case, in brief, is that some unknown
persons after breaking the lock of the Indane Gas Godown had
stolen 28 pieces of Indane gas cylinders each weighing 19 kg's.
The F.I.R. has been lodged against unknown persons.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not named in the F.I.R nor any



incriminating article has been recovered from his possession. He has been roped in the present case merely on suspicion and is in custody since 22.04.2021. Other co-accused namely, Chandan Sah has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 52752 of 2021. Petitioner has clean antecedent and he deserves to be enlarged on bail.

Smt. Asha Devi, learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. She submits that the petitioner has not denied his involvement in the alleged theft of the gas cylinders in his confessional statement.

Considering the rival submissions of the parties, nature of the allegation made against the petitioner, nothing has been recovered from his conscious possession, other co-accused namely, Chandan Sah has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 52752 of 2021, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 118 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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