

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35717 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- JOGAPATTI District- West Champaran

KISHLAY KUMAR @ KISHLAYA KUMAR YADAV Son of Sugan Yadav
Resident of Village - Gurwalia, P.S. Manuapul, District - West Champaran
(Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-09-2022 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 B.P. No. 1674/2022 arising out of Jogapatti P.S. Case No. 109/2022 registered for the offences punishable under Sections 414/23 of the Indian Penal Code.

As per prosecution case, petitioner and two other accused persons apprehended from the place of occurrence with stolen motorcycle. It is alleged that one mobile, one toy like pistol alongwith dagger and one master key were recovered from the possession of co-accused, Chotu Kumar Yadav. It is



further alleged that one mobile was recovered from the possession of co-accused, Raj Kumar Choubey and one mobile was also recovered from the possession of present petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 28.02.2022 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was sitting on the seized motorcycle and he was not aware about the status of the motorcycle and when he was coming his home he has accomplice with the co-accused persons. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released



on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Jogapatti P.S. Case No. 109/2022, 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 without appropriate permission, 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)

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