

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34841 of 2022

Arising Out of PS. Case No.-27 Year-2019 Thana- FULKAHA District- Araria

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PRAKASH YADAV, S/o Lakhan Yadav @ Lakhan Lal yadav Resident of
Village - Manikpur, P.S. Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

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

The case is registered under Sections 413, 414/34 of
the IPC in connection with Fulkaha P.S. Case No.27/2019.

The petitioner who has three criminal antecedents
under his belt has been alleged to have stolen the motorcycle as
per the FIR.

Learned counsel for the petitioner submits that he has
been implicated in this case only because of criminal antecedent
and the said motorcycle has not been recovered from his
conscious possession and is in custody since 26.03.2022.

Per contra, the learned APP submits that the matter is
of 2019 and the petitioner has chosen to walk into judicial



custody only in 2022 and as such he does not deserve bail.

Taking into account that he is in custody since 26.03.2022, charge-sheet stands submitted and nothing has been recovered from his conscious possession, this Court is inclined to grant him privilege of bail after framing of the charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Fulkaha P.S. Case No.27/2019 to the satisfaction of learned Judicial Magistrate, Ist Class, Araria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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