

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38434 of 2022

Arising Out of PS. Case No.-24 Year-2019 Thana- FULKAHA District- Araria

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

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Fulkaha
P.S. Case No. 24 of 2019 registered for the offence under
Sections 413, 414, 420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.03.2022.

The allegation against the petitioner is to have in
possession of one stolen motorcycle.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of stolen motorcycle was made
from the house of the petitioner, which is occupied by other



family members and, as such, it cannot be said that recovery of alleged stolen motorcycle was made from the conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of Cr.P.C. was not made in this case, as regard to search of the house of the petitioner. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances, as mentioned above, as recovery of alleged stolen motorcycle not appears from the conscious physical possession of this petitioner, where he is in custody since 26.03.2022, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Fulkaha P.S. Case No. 24 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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