

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48801 of 2021

Arising Out of PS. Case No.-470 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. INDAL YADAV @ INDAL JADAV S/o- BASANT YADAV Resident of Village- Naya Tola, Jurabganj, Ward No.1, P.S.- Koraha, District- Katihar
2. Karu Yadav Son of Indal Yadav Resident of Village- Naya Tola, Jurabganj, Ward No.1, P.S.- Koraha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-04-2022 Heard learned counsel appearing on behalf of the petitioners 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.

Petitioners, who are in custody since 06.06.2021, seek regular bail in connection with K. Hat P.S. Case No. 470 of 2021 registered for offences punishable under Sections 379 and 411/34 of the Indian Penal Code.

Prosecution story in brief is that total 11 stolen motorcycles were recovered out of which 4 stolen motorcycles were recovered from the house of one Siddharth Yadav and 7 motorcycles were recovered from the house of these petitioners.

Learned counsel appearing on behalf of the petitioners



submits that petitioners are mechanic and due to some enmity, they have been roped in the present case and in this regard, he has made a specific statement in paragraph no. 11 of the present bail application. Petitioners have been forced to put their signature on the seizure list in police custody which has no evidentiary value as it has not been prepared in the manner prescribed. Petitioners are in custody since 06.06.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioners.

Considering the nature of allegation made in the FIR and period of custody undergone by the petitioners, the petitioners, above named, are directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with K. Hat P.S. Case No. 470 of 2021 subject to the following conditions:

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

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

(iii) If the petitioners tamper 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 petitioners.

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

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

(v) The petitioners will make their attendance before the concerned police station under which their house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioners, their bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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