

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47568 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- PIRPAINTI District- Bhagalpur

LAVKUSH KUMAR @ LAVKUSH @ VILLEN YADAV Son of Munilal
Yadav Resident of Village- Babupur, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Advocate.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Pirpaiti P.S. Case No. 04 of 2021 for the offence punishable under Sections 379 and 411/34 of the Indian Penal Code.

The prosecution story, in brief, is that the petitioner along with another co-accused Ajay Kumar @ Changla Mandal and Hemant Kumar @ Chhotu were involved in theft of one motorcycle bearing Registration No. BR-10X-5984 belonging to one Birendra Kumar who is the brother is the owner of the hotel. Motorcycle was recovered and the petitioner was



apprehended on the spot. Other co-accused managed to flee away from the hotel.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has committed no offence as alleged. He has falsely been implicated in this case due to ulterior motive. In fact, the petitioner was dining in the said hotel and due to unsatisfactory service and hot talk with the owner of the hotel, he has been falsely implicated in a false case. The exact number of the stolen motorcycle has also not been discovered and the motorcycle which has been recovered belongs to some other person. Petitioner has clean antecedent and is in custody since 06.01.2021.

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

Considering the nature of allegation and the petitioner has clean antecedent and he is in custody since 06.01.2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XI, Bhagalpur in connection with Pirpaity P.S. Case No. 04 of 2021, subject to the following conditions:-



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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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