

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47906 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- NATWAR District- Rohtas

Deepak Yadav S/O Subhash Singh R/O Village- Prastampur, P.S.- Natwar,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramaditya Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Vikramaditya Singh learned counsel for the
petitioners as well as Mr. Satyendra Narayan Singh learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Natwar P.S.Case No. 71 of 2020 registered for the offences
punishable under Sections 399, 402, 414of the Indian Penal
Code.

As per prosecution case, it is alleged that on
15.08.2020, the informant, police officer received information
that some miscreants having arm with assembled from three
motorcycle and on the basis of said information, the police party
reached at the spot and found some persons were sitting there.



However, on seeing the police party, they fled away but identified by the Chaukidar. It is also alleged that from the place of occurrence three motorcycle, knife, three cigarettes, match box and a tobacco packet have been recovered.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that so far as the recovered motorcycle are concerned, the same was not the looted article rather during the course of investigation, the same have been found in the name of three persons, who were the owners of the seized motorcycle. It is also submitted that the recovered articles are not to be used in committing dacoity. It is further submitted that this petitioner is a student of Intermediate and with regard to that specific statement has been made in Paragraph -12 to this application. It is also submitted that even if, the allegation levelled in the FIR accepted in its entirety, no case much less under section 399 and 414 of the IPC is made out. It is lastly submitted that this petitioner has absolutely clean antecedent and during the course of investigation no material has come against him.

On the other hand, learned APP for the State opposes



the bail application of the petitioner and submits that the petitioner has been identified by the Chaukidar while he was fleeing away from the spot.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation as well as recovery from the spot, apart from the fact, the alleged motorcycle which are said to have been recovered, having not been found to be stolen article and petitioner is a student of Intermediate, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas in connection with Natwar P.S.Case No. 71 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

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