

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39879 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- BHAGWAN BAZAR District- Saran

YOGI RAI, Son of Dasai Rai R/O- Village- Methwaliya, P.S.- Revilganj,
District- Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kr. Arya, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Let the defect(s), if any, as pointed out by the office,
be removed within four weeks.

The case is registered under sections 413, 414 and 401
of the Indian Penal Code, in connection with Bhagwan Bazar
P.S. Case No. 245 of 2022.

As per the prosecution story, the police upon
information, apprehended the accused persons along with two
stolen motorcycles and the petitioner was one of them. As they
failed to provide any document, the FIR instituted, seizure list
prepared and the amongst other, the petitioner herein was taken
into custody.

Learned counsel for the petitioner submits that the
alleged stolen motorcycle was recovered from the room and



thus cannot be attributed to the accused persons. Further with the help of Annexure-2 to the bail application, it has been submitted that the petitioner is a handicapped person with 60% disability. It is his last submission that petitioner is in custody since 14.05.2022, charge-sheet stands submitted and one of the co-accused Sailesh Kumar @ Shailesh Yadav has since been granted bail vide Cr. Misc. No.36424 of 2022 dated 20.09.2022.

Let the same be kept on record.

Considering the aforesaid facts that the petitioner is in custody since 14.5.2022, charge-sheet stands submitted and one of the co-accused Sailesh Kumar @ Shailesh Yadav has since been granted bail vide Cr. Misc. No.36424 of 2022 dated 20.09.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Chapra, in connection with Bhagwan Bazar P.S. Case No. 245 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he 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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