

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40709 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- TEKARI District- Gaya

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LALU YADAV @ LALU KUMAR S/o Subelal Yadav @ Mukhiya Yadav R/o
village- Kamalpur, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tekari
(Mau O.P.) P.S. Case No. 11/2022 registered for the offences
punishable under Sections 379, 411 and 34 of the Indian Penal
Code.

As per prosecution case, the informant's mobile was
stolen by the petitioner and the same was recovered from his
possession.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The name of petitioner transpired in this case on the basis



of confessional statement of co-accused, Nitish Kumar. No incriminating article has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 08.01.2022 and bears criminal antecedent of one case. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. So far as recovery of stolen mobile is concerned, it is submitted that the said co-accused, Nitish Kumar had given the said mobile and the petitioner is not having any information that the same is stolen property. Except confessional statement nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, Gaya in connection with Tekari (Mau O.P.) P.S. Case No. 11/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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