

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51290 of 2021**

Arising Out of PS. Case No.-323 Year-2021 Thana- SIWAN CITY District- Siwan

Kanhaiya Yadav Son of Baigan Yadav Resident of Village- Jurabganj, P.S.-
Kadha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of the start of normal functioning of the physical Court.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with G.R. No.2410 of 2021, arising out of Siwan Town P.S. Case No. 323 of 2021, registered for the offences under Sections 413/414/34 of the Indian Penal Code.

The FIR relates to recovery of Honda Shine motorcycle, bearing registration No.BR06BT-1286, a key in T-shape and a mobile phone from possession of the petitioner.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in this case. He further submits that the police arrested the petitioner on 19.06.2021 and recovered one motorcycle bearing registration No.BR06BT-1286 along with a mobile phone and a key in T-shape. He further submits that he has no concern with the alleged recovery. He further stated that he has no knowledge about the said motorcycle. The said motorcycle belongs to one Krishna Yadav and the same was recovered from possession of the petitioner. He is in custody since 21.06.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Town P.S. Case No. 323 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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