

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54028 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- DUMRAO District- Buxar

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Amar Kumar@Amar Yadav Son Of Hira Ratan Yadav Resident Of Village -
Nachap, P.S.- Murar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 24-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Dumraon P.S. Case No. 208 of 2021 for the
offences punishable under Sections 420, 467, 468, 411,
412, 414, 120B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on a
secret information that two motorcycle thieves are present
near Rahi Hotel. The police rushed to the place of
occurrence and it is alleged that on noticing the police party
two persons, who tried to flee away apprehended by the



police and the petitioner (Amar Yadav) disclosed about other two motorcycles parked near Dumrejani Road and co-accused Deepak Tiwari said about the aforesaid motorcycles to be stolen and further other looted materials were also recovered.

Learned counsel for the petitioner submits that from the seizure list as well as the first information report, it appears that the alleged recovery has been made near Rahi Hotel and no recovery has been made from person or possession of the petitioner. It is next submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case and moreover, there is no complaint or FIR with regard to recovered motorcycle, which are said to be stolen and recovered from an open place. It is lastly submitted that in a case of recovery of stolen motorcycle, the petitioner is in custody since 29.05.2021.

On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner and the co-accused were apprehended and from their possession four stolen motorcycle were recovered. It is also



submitted that this petitioner has been found involved in four other serious cases.

Having heard the rival contentions of the parties and taking into consideration the fact that the entire recovery has been made from an open place near Rahi Hotel as it is evident from the seizure list and there is no complaint/ FIR with regard to the theft of the alleged recovered motorcycle, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 208 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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