

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54687 of 2021

Arising Out of PS. Case No.-585 Year-2020 Thana- SHERGHATI District- Gaya

UPENDRA YADAV @ UPENDRA KUMAR Son of Ram Swaroop Yadav
Resident of Village - Churamandih (Hussainganj), P.S.- Roushanganj, District
- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Dhari Singh, Adv

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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 Sherghati (Dobhi) P.S.Case No.585 of 2020 registered for the offence under Section 379 of the Indian Penal Code.

The prosecution case, in short, is that on 15.11.2020, informant parked his motorcycle at the house door in the night and went to sleep, when he awoken very next morning at 5.00 A.M. then he found that his said motorcycle was missing. Accordingly, FIR was registered against unknown persons.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the name of the petitioner has transpired on the basis of the confessional statement of co-accused, namely, Akhilesh Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and the petitioner is in custody since 03.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts and period of custody, 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 A.C.J.M., Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No.585 of 2020 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 cancelled 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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