

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45697 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- AMARPUR District- Banka

RAKESH YADAV Son of late Umesh Yadav R/v- Bidanchak (Diggi Pokhar),
P.S- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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 Amarpur
P.S. Case No. 24/2022 registered for the offences punishable
under Section 379 of the Indian Penal Code.

As per prosecution case, on 11.01.2022 the informant
parked his Apache motorcycle in front of his house, he heard
some noise outside his house and when he came at door, he saw
this petitioner and co-accused Anoj Yadav were fleeing away
with his motorcycle and thereupon, he tried to chase but did not
succeed.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to ulterior motive of the informant. The petitioner is languishing in custody since 28.03.2022 and bears criminal antecedent of one case. The petitioner has remanded in this case from Kajraili P.S. Case No.04/2022 which has been lodged against the petitioner for recovery of the present motorcycle from his possession, but the real fact is that the police party maliciously prepared a false and fabricated seizure list by showing the same recovery. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, argument advanced on behalf of both sides 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 24/2022, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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