

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51891 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- PALASI District- Araria

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Dhiraj Kumar Yadav Son of Bindeshwar Yadav Resident of village -
Kankhudia Ward No.- 07, P.S.- Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Mukesh Kumar Rana, learned counsel
appearing on behalf of the petitioner and learned APP for the
State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Palasi P.S. Case No. 131 of 2022 registered for
the offences punishable under Sections 414, 413/34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
police on a secret information reached at cattle hat Kaliyaganj,
where they saw that three persons were standing along with
three motorcycles, however, on noticing the police party all of
them started fleeing away, but on chase, all the three persons
including the petitioner caught by the police.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the motorcycles nor the alleged motorcycles is said to be a looted property, as there is no material suggesting that the three motorcycles were looted property. He further submits that only because of the past antecedent, the name of the petitioner has been implicated in this case on suspicion and save and except suspicion, there is no material suggesting the complicity of the petitioner in the present crime. He next submits that the offences as alleged in the FIR is not made out and, moreover, the petitioner is in custody since 24.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the period of custody and the fact that during the course of investigation, no cogent material has come, suggesting the fact that all the three motorcycles are stolen property nor any person has come to claim the motorcycle, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I,



Araria in connection with Palasi P.S. Case No. 131 of 2022, 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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