

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53359 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- UPHARA District- Aurangabad

VIKASH KUMAR, SON OF LATE VEDNARAYAN YADAV @ LATE
NARAYAN YADAV, R/O VILLAGE- BHALUWAR, P.S.- UPHARA,
DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned senior counsel for the
petitioner and the learned APP for the State.

3. The petitioner seeks bail in connection with
Uphara P.S. Case No.44 of 2021 registered for the offences
punishable under Sections 379, 411 of the Indian Penal Code.

4. The F.I.R. has been lodged by the Police on
information being received of stolen tractor being parked in
front of the petitioner's house.

5. Learned senior counsel for the petitioner
submits that the tractor has been recovered from front of the
petitioner's house. Even as per prosecution case, the recovery is



from an open place, for which the petitioner cannot be held responsible. On account of his antecedents, he has been implicated in this case, though he is on bail in the five cases pending against him.

6. As per disclosure made in Para 12 of the bail application, the petitioner has remained in custody since 20.05.2022.

7. Learned APP has opposed the prayer for bail.

8. Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

9. Prayer for bail of the petitioner is allowed.

10. Accordingly, 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 the learned Judicial Magistrate, First Class, Daudnagar, District- Aurangabad, in connection with Uphara P.S. Case No.44 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

11. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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