

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63222 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- KAUWAKOL District- Nawada

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Gulli Yadav, Son of Krishna Yadav, Resident of Village - Guaghoghara, P.S. -
Kauakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar, Advocate Mr.Aditya Pandey, Advocate Mr.Shyam Kishore, Advocate Mr.Ravi Kant Kumar, Advocate
For the Opposite Party/s :		Mr.Bharat Lal,APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 28-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kauwakol P.S. Case No. 219 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code.

As per prosecution case, during a routine checking of vehicles, the petitioner tried to run away with his motorcycle. He was apprehended and the motorcycle was found to be stolen,



Rs. 20,595/- and two mobile phones were also recovered from this petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Motorcycle in question was not recovered from the possession of this petitioner who was framed in this case. The real culprits fled away leaving behind their motorcycle and this petitioner was apprehended merely on suspicion. No prima facie case under Section 414 of the I.P.C is made out against the petitioner. The petitioner is in custody since 24.06.2021 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases.

Perused the records.

Having regard to the facts and circumstances and considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Nawada in connection with Kauwakol P.S. Case No. 219



of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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