

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67365 of 2021**

Arising Out of PS. Case No.-491 Year-2021 Thana- DIGHA District- Patna

Vijendra @ Bijendra Yadav, Son of Niyanand Rai @ Nityanand Yadav
Resident of Village - Alawalpur, P.S.- Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant Yadav, Adv.
For the Opposite Party/s : Mr.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Digha P.S. Case No.491 of 2021 (G.R. No.7214 of 2021)
instituted under Section 379 of the Indian Penal Code.

As per the FIR, Md. Rizwan Ali, informant alleged
that he had parked his motorcycle on 26.08.2021 in the Coco
Cola Godown, which was seen up till 28.08.2021 at a different
place in the campus itself but thereafter it disappeared/theft was
committed. He further alleged that the godown is also having a
guard, Vijendra (petitioner herein) as well as a staff.

Later the investigation took place and one Deepak



Kumar was arrested and during investigation it also came to light that the petitioner herein who was deployed as a guard in the godown was also one of the accused person to the theft of their motorcycle.

Learned counsel for the petitioner submits that he being the guard has been implicated only because he failed to perform his duty to protect the articles present inside the godown. He further submits that he do not have any criminal antecedent and is in jail since 05.09.2021 (as stated in para-13 of the bail application).

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Digha P.S. Case No.491 of 2021 (G.R. No.7214 of 2021) to the satisfaction of learned S.D.J.M., Patna , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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