

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68965 of 2021**

Arising Out of PS. Case No.-213 Year-2021 Thana- PAKARIBARAW District- Nawada

Rahul Kumar Yadav Son of Late Dhako Yadav R/o vill. - Atari, P.S.-  
Dhamaul, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      05-05-2022

Heard.

The petitioner seeks regular bail in connection with Pakribarawan P.S. Case No. 213 of 2021, registered for the offence punishable under section 379 of the Indian Penal Code.

The case of the prosecution in brief is that the petitioner along with his neighbour had gone on his motorcycle to his relative's place and on the alleged date and time of occurrence, while he was returning back to his house along with his neighbour and had stopped the motorcycle for the purposes of easing himself, two persons had arrived there and had fled away with the motorcycle of the informant. During the course of investigation it has transpired that the co-accused person namely Ranjit Chouhan is the main kingpin, who upon being arrested and interrogated had disclosed that the stolen motorcycle was



sold to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 01.08.2021. The learned counsel for the petitioner has further submitted that firstly the petitioner has not been alleged to have either snatched or stolen the motorcycle in question but at best he is alleged to have purchased the stolen motorcycle, nonetheless the fact is that the alleged stolen motorcycle is stated to have been recovered from the front of the house of the petitioner and not from inside the house of the petitioner, hence the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that firstly the petitioner has not been alleged to have snatched/ stolen the motorcycle in question and secondly the stolen motorcycle is stated to have been recovered from the front of of the house of the petitioner, as stated by the



learned counsel for the petitioner, apart from the fact that the petitioner is languishing in custody since about ten months, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of J.M. 1<sup>st</sup> Class, Nawada in connection with Pakribarawan P.S. Case No. 213 of 2021.

**(Mohit Kumar Shah, J)**

Tiwary/-

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