

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72162 of 2021**

Arising Out of PS. Case No.-337 Year-2021 Thana- BELHAR District- Banka

SUBODH YADAV Son of Late Baldeo Yadav Resident of Village- Belhar Basti, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devika Rani, Adv.

For the Opposite Party/s : Mr.Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 379 of the Indian Penal Code.

The motorcycle of the informant is said to have been stolen away.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in



the F.I.R. but merely on the basis of confessional statement of the co-accused, Jitendra Kumar Sah, who has been apprehended with alleged motorcycle, the petitioner has been made accused in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Jitendra Kumar Sah has already been granted bail by this Court vide order dated 27.04.2022 passed in Cr. Misc. No. 69378 of 2021. The petitioner is rotting in judicial custody since 30.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Belhar P.S. Case No. 337 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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