

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72564 of 2021

Arising Out of PS. Case No.-340 Year-2021 Thana- CHHATAUNI District- East Champaran

Jai Prakash Yadav Son Of Late Satya Narayan Yadav Resident Of Village-
Tumariya Tola Raxaul, P.S.- Haraiya O.P. (Raxaul), At Present Jogwalia, P.S.-
Ramgarhwa, District- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore
Mr. Hemant Kumar Sharan
For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 The present bail application is being taken up out of
turn on mentioning made by the learned counsel for the
petitioner that the wife of the petitioner is seriously ill and she
has been referred to AIIMS, Delhi by Narayani Hospital
Development Board, Birgunj, Nepal.

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

The petitioner seeks bail in connection with
Chhatauni P. S. Case No.340 of 2021, instituted for the offences
under Sections 414, 413, 442, 411, 120(B) and 34 of the Indian
Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 07.09.2021, charge-sheet has been



submitted in this case and has antecedent of three cases.

The learned counsel for the petitioner further submits that the informant alleges that he received secret information that some accused were unloading looted goods from a truck in a godown. Accordingly, the informant reached the place of occurrence and saw a truck from which 168 cartons of Suman Tea and 427 sacks of plastic in multiple colour tea leaf in a bag were recovered and the petitioner along with two named accused persons arrested.

The learned counsel for the petitioner submits that petitioner is a labourer and he was completely unaware that the alleged recovered tea were looted articles and as such, he was unloading the goods on being asked by the owner of the goods.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 07.09.2021, charge-sheet has been submitted in this case and his wife is ill and requires treatment at AIIMS, Delhi, the petitioner, above-named, is directed to be released on **provisional bail** on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Chhatauni P. S. Case No.340 of



2021 with a condition that petitioner will file an affidavit along with the receipt of AIIMS, Delhi in the learned Court below showing that his wife has been admitted in AIIMS, Delhi within a period of one month from the date of his release. In the event, if the affidavit is not filed then the learned Court below shall forthwith cancel his bail bonds and will also report the matter to this Court for taking appropriate action against the person, who has sworn the present affidavit based on which the mentioning made by the learned counsel for the petitioner. Further, if the affidavit is filed as directed, the learned Court below shall confirm the provisional bail.

The application stands allowed.

(Satyavrat Verma, J)

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