

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2228 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- RAJAOLI District- Nawada

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1. Chhotan Yadav S/O Balchandra Yadav, Resident of Village- Bara, P.S.- Rajauli, District- Nawada, Pin- 805125
 2. Mukesh Yadav S/O Vijay Yadav, Resident of Village- Bara, P.S.- Rajauli, District- Nawada, Pin- 805125

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Rajauli
P. S. Case No. 439 of 2022, registered for the offences
punishable under Section 414 of the Indian Penal Code.

As per allegation, the petitioners have in their
possession two stolen motor-cycles.

Ld. counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in
this case. He further submits that the petitioners were not
aware of the fact that the motor-cycles which they have



purchased are stolen one. He also submits that similarly situated co-accused has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 22.03.2023, passed in Cr. Misc. No. 74227 of 2022.

He further submits that the petitioners have been languishing in jail since 08.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-I, Nawada, in connection with Rajauli P. S.



Case No. 439 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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