

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9361 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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KALLU YADAV Son of Rajnath Yadav R/v- Bahrar, Post- Karbandiya, P.S.-
Sasaram Muffasil, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.12.2022 in connection with Aurangabad Town P.S. Case No.
49/2022, F.I.R. dated 02.02.2022, for the offence punishable
under Section 379 of the Indian Penal Code.

According to prosecution case, some unknown
miscreant looted away the Passion Pro motorcycle of the
informant.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired during investigation



on the basis of confessional statement of the co-accused, namely, Pintu Yadav. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of co-accused, namely, Pintu Yadav and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the implication of the petitioner in the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the four cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Aurangabad, in connection with Aurangabad Town P.S. Case No. 49/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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