

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9521 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- CHENARI District- Rohtas

Moti Yadav S/O Ramji Yadav R/O Village- Pithiaon, P.S- Chenari, District-
Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Chenari P.S. Case No.170 of 2022 instituted under Section 379 of the Indian Penal Code lodged on 11.06.2022 by the informant Krishna Kumar.

The prosecution story in short as per written report is that one informant Krishna Kumar alleging therein that on 10.06.2022, he had brought Pulsur motorcycle from one Ravi Kumar, who is relative of the informant and was going to his house from Chenari. The motorcycle could not start and he parked the same in the premises of Upendra Tiwari and went away to his house from another vehicle. Next day in the morning, he received an information that the said motorcycle has been stolen away. Accordingly, the FIR.



Learned counsel for the petitioner submits that petitioner's name transpired on the confessional statement of Bablu Paswan and he is in custody since 30.08.2022, no T.I. parade has been done nor any incriminating article has been recovered from his possession.

Considering the fact that his name has come in the confessional statement of Bablu Paswan, despite the fact that he is in custody since 30.08.2022 (as stated in paragraph-12 of the petition), no T.I. parade has been done nor any incriminating particularly has been recovered from his possession, this Court is inclined to extend him to privilege of bail with strict conditions considering the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chenari P.S. Case No.170 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, IInd, Rohtas, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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