

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17457 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- SALIMPUR District- Patna

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GOPAL YADAV @ GOPAL KUMAR Son of Vilat Yadav R/V- Akabarpur
Near Railway Crossing, P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Singh, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Salimpur P.S. Case No. 54 of 2022 for the offence registered under Section 379 of the Indian Penal Code lodged on 30.03.2022 by the informant, Abhishek Kumar Mishra.

The informant alleged in the F.I.R. that his company Gupta Power Infrastructure Limited which has received contract for work from S.B.P.D.C.L. of P.S.S. Kala diyara and its related to 33 K.V. and 11 K.V. line. It has been further alleged that 13 mtr. pole kept near Gayaspur petrol pump got stolen. It has been further alleged that upon primary enquiry, it has been found that Gopal Yadav, Jagdish @ Asgar and Vikey are involved in theft.

It has also been alleged that the house of Gopal Yadav



is situated in Akbarpur Road railway crossing, and has been identified by the driver of Rahul Jee. Gopal Yadav used to drive tractor Hydra of sub contractor Shiva Mechanical engineering.

Accordingly, the FIR.

Learned counsel for the petitioner submits that as per the FIR submits that the theft is alleged to have been occurred on 01.01.2022 whereas the FIR has been lodged on 30.03.2022. Further submission is that the petitioner do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the fact that the FIR has been lodged after inordinate delay of about two months and has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Barh in connection with Salimpur P.S. Case No. 54 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.



(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 his bail bonds;

(Rajiv Roy, J)

Jagdish/Neha/-

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