

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15808 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- CHAUSA District- Madhepura

CHHOTU YADAV @ CHHOTU KUMAR Son of Pramod Yadav R/O-
Krishna Tola, Ward no. 3, PS- Chausa and Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Chausa P.S. Case No. 147 of 2022 for the offence registered under Sections 379 and 411 of the Indian Penal Code lodged on 14.07.2022 by the informant, Anirudh Prasad Yadav.

The prosecution case, in brief, is that informant, Aniruddh Prasad Yadav, submitted a written report to the police on 14/07/22, that on 13/07/22, one Lalan Kumar had arrived on a motorcycle at his shop and asked him to look after it. It was further stated that he went away in a car after parking the motorcycle beside the shop. It was next stated that in the night the informant heard noise of knocking and when he went out to see then he saw Angrez Yadav, Santa @ Sumit Yadav, Chhotu



Yadav (petitioner) were stealing the motorcycle. It was alleged that the thieves were caught with the assistance of villagers however, the kin of the miscreants arrived and succeeded in escaping them.

Learned counsel for the petitioner submits that entirely false theory has been made in the matter inasmuch as the timing of theft is of 1.45 A.M. and it is hard to believe that the villagers were roaming and caught hold of the accused persons whom the family members managed to make them escape. Further submission is that he is only 18 years of age and has clean antecedent.

Learned APP for the State opposes the prayer for bail stating that it is a case of stolen motorcycle and the accused persons made them escape after the villagers had nabbed them.

Considering the age of the petitioner as also that he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory 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 SDJM,



Udakishunganj, Madhepura in connection with Chausa P.S.
Case No. 147 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 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;

(iv) 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)

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