

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25544 of 2023

Arising Out of PS. Case No.-78 Year-2021 Thana- ARER District- Madhubani

Ashok Kumar Yadav Son Of Late Rajendar Yadav Resident Of Village-
Sothgawn, P.S.-Harlakhi, District-Madhubani

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party	:	Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with Arer
P.S. Case No. 78 of 2021 dated 05.09.2021, instituted for the
offences punishable under Section 379 of the Indian Penal
Code.

3. The prosecution case in short is that informant's
motorcycle, bearing registration No. BR32AE4159 has been
stolen from outside the house of informant's in-laws in the
morning of 19.08.2021.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has falsely been implicated in



this case. It is submitted that the petitioner is not named in the F.I.R. and made accused in this case only on the basis of his self-confessional statement. It is further submitted that the petitioner is in custody since 22.07.2022, has six cases against him and charge-sheet has been submitted in the case. Further, it is submitted that the petitioner has been apprehend in all the six cases on the basis of confessional statement of co-accused and he has been granted bail in all these six cases.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of S.D.J.M. Benipatti in Arer P.S. Case No. 78 of 2021, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be



cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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