

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31462 of 2023

Arising Out of PS. Case No.-479 Year-2022 Thana- GURUA District- Gaya

Mantoo Yadav Son of Rambalee Yadav Resident of village - Sikandarpur, P.S.
- Paraiya, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioner and Mr. Parmanand Prasad, learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Gurua P.S. Case No. 479 of 2022, registered for the offences punishable under Sections 379/34 of the Indian Penal Code.

Allegedly, the motorcycle of the informant was taken away by some unknown thieves, however, later on, on enquiry, the informant came to know that the petitioner stole the motorcycle with his two companions.

Learned counsel appearing on behalf of the petitioner submits that during the course of investigation the motorcycle has been recovered near the house of the petitioner and in fact



on account of some enmity between both the informant and the petitioner, this case has been instituted with a view to wreak vengeance against him. He next submitted that the petitioner is a man of fair antecedent and the seizure list also shows certain infirmities, apart from the fact that after completion of investigation charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witnesses.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the motorcycle has been recovered from a *bathan*, that is, near the house of the petitioner, coupled with the fact that the offence is triable by the Magistrate and his period of custody, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of concerned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 479 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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