

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42343 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- BARUN District- Aurangabad

Jimdar Yadav @ Jimdar Kumar @ Pankaj Kumar @ Jimadar Yadav, Son of
Mithlesh Yadav @ Mithilesh Singh, Resident of village-Bagahi, P.S.-Barun,
District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barun P.S. Case No. 01/2023 lodged on 01.01.2023 under
Section 379 of the Indian Penal Code.

3. As per the prosecution case, the allegation of theft
of a tractor is against the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Though,
the petitioner is a named accused in the FIR, but neither the
alleged tractor has been recovered from his possession nor he
has been put on Test Identification Parade. The name of the
petitioner has been figured in this case only because he was seen



at the place of occurrence before the alleged theft. He further submits that the petitioner is in custody since 29.03.2023 and apart from the present case, two other criminal cases are also pending against him in which he is pursuing bail and the petitioner has been remanded in the present case. Moreover, section 379 in which the FIR has been lodged is triable by a Magistrate.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in connection with Barun P.S. Case No.01/2023 subject to the conditions as laid down under Section 437(3) of Cr.P.C.with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, which shall be resulted in the cancellation of his bail bond.



B. One of the bailors shall be a close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of the present bail bond, violation of this condition shall result in cancellation of his present bail bond.

(Dr. Anshuman, J)

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