

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42205 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- CHAKIA District- East Champaran

SANTOSH YADAV son of Yadolal Prasad Yadav Village- Siswa Basant Ps-
Kalyanpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant		Mr. Mukesh Kumar Singh, APP
		Mr. Shivpujan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner, who is in custody since 23.04.2023 seeks bail, in connection with Chakia P.S. Case No.124/2023, dated 05.04.2023, for the offences punishable under Sections 381, 120B of the IPC.

3. According to prosecution case, the petitioner had taken two tractors and JCB on rent and on 03.04.2023, the petitioner and co-accused namely Mohan Rai told the informant to take JCB and tractor to work at place of Vikash Rai. Thereafter the petitioner and co-accused parked the said JCB there and on the next morning he saw that JCB was missing.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that pursuant to the order dated 14.07.2023, a report was called for from the Superintendent of Police, East Champaran at Motihari with respect to the tractors and JCB machine as to whether the same have been recovered or not and what is the material found during investigation against the petitioner. Pursuant to the order dated 14.07.2023, a report dated 16.08.2023 of Superintendent of Police, East Champaran at Motihari has come through learned Additional Public Prosecutor, which reveals that JCB machine has not been recovered as yet and except the conspiracy, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.04.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner



on the ground that the petitioner has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of three cases, the petitioner is on bail in one case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Chakia P.S. Case No. 124/2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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