

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52349 of 2023**

Arising Out of PS. Case No.-89 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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BHOLA RAI @ BHOLA YADAV S/O PUNIT RAY RESIDENT OF
RAJWADA, PS- GHORASAHAN, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Motihari Nagar (Town) P.S. Case No. 89 of 2022 for the offence punishable under Section 379 of the Indian Penal Code lodged on 7.2.2022 by the informant, Wakil Mian.

As per the prosecution story, a motorcycle was stolen from Laxmi Narayan Dubey College, Motihari. The theft took place on 10.1.2022 but the FIR was lodged on 7.2.2022 (after 28 days) and petitioner has been implicated in this case only because of his criminal antecedent.

Learned counsel for the petitioner submits that the petitioner has been remanded in the present case on 12.5.2023 (para-11 of the petition).



Learned APP opposes the prayer.

Considering the aforesaid facts, delay in lodging of the FIR and the petitioner is in custody since 12.5.2023 in this particular case, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Motihari Nagar (Town) P.S. Case No. 89 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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