

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58405 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

SRAWAN YADAV son of Ramraj Yadav @ Raja Village- Basantpur Ps-
Lodipur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No.
590 of 2023 arising out of Kotwali (Tilkamanjhi) P.S. Case No. 159
of 2023 registered for the offence under Sections 413, 414/34 of
the Indian Penal Code.

The petitioner is alleged to have been apprehended by
the police along with the co-accused Sajan Kumar having
possession of stolen motorcycle.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R., it
appears that the petitioner has been apprehended by the police
along with other accused persons and one motorcycle has been



recovered from the possession of co-accused Sajan Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the theft motorcycle has been recovered from the co-accused and the petitioner has no concern at all with the alleged recovery. Moreover, co-accused, Sajan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 12.09.2023 passed in Cr. Misc. No. 61315 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.02.2023.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.D.J.-XIII, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 159 of 2023 with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

