

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55547 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- BAHADURPUR District- Darbhanga

Bhushan Yadav @ Bhushan Kumar Yadav S/O Sukhram Yadav Resident of Vill/Mohalla- Bhairpatti, Satsang Bhawan, P.S- Bahadurpur, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Kedar Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bahadurpur P.S. Case No. 69 of 2022, registered for the offences punishable under Section 414 of the Indian Penal Code.

Allegedly, on raid a stolen motorcycle has been recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has no concern with the motorcycle, which is said to have been recovered from the house, which is a



joint family house where several persons reside, however, only on account of the criminal antecedent the name of the petitioner has been implicated in this case. He further submits that the motorcycle in question was kept by one Monu Mahto, however, instead of making Monu Mahto as an accused, FIR has been instituted against the petitioner by implicating his name. He next submits that the offence is triable by the Magistrate and moreover, he is in custody for about a period of one year.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in seven other criminal cases and he appears to be a habitual offender.

At this juncture, learned counsel for the petitioner submits that the petitioner is on bail in all these matters.

Regard being had to the submissions made on behalf of the parties and considering the fact that the offence is triable by the Magistrate and the petitioner is in custody since 25.02.2022 and the investigation of the crime is already complete, let the petitioner, named above, 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 learned Sub-Divisional Judicial Magistrate, Darbhanga in



connection with Bahadurpur P.S. Case No. 69 of 2022 subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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