

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67963 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- SONO District- Jamui

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Anil Yadav Son of Dwarika Yadav, R/o Village- Lahthara, P.S.- Sono,
District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
		Ms. Anisha Sinha, Advocate
For the Opposite Party/s :		Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard Ms. Anisha Sinha, learned counsel for the

petitioner and Mr. Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 414, 413, 120(B)/34 of the

Indian Penal Code.

According to prosecution case, the allegation against

the petitioner is to have in possession of one motorcycle as

alleged to be stolen.

Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case on the basis of disclosure made by

the co-accused persons namely, Dharmendra Kumar Sah @



Dharmendra Kumar Sao, Subhash Mandal and Dilip Murmu. He further submits that on the basis of confessional statement of co-accused persons one motorcycle has been recovered from the house of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the house is joint house property and the petitioner has no concern at all with the alleged recovery of motorcycle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, persons namely, Subhash Mandal, Dilip Murmu, Nago Yadav, Dharmendra Kumar Sah @ Dharmendra Kumar Sao @ Dharmendra Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2023 passed in Cr. Misc. No. 48619 of 2022, Cr. Misc. No. 45866 of 2022, Cr. Misc. No. 46020 of 2022, Cr. Misc. No. 46052 of 2022 respectively. The petitioner is in custody since 02.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Sono P.S. Case No. 196 of 2022, 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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