

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66514 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- PARAIYA District- Gaya

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1. Bholu Yadav, S/O Feku Yadav, R/O Village- Bagahi Tala, Bankepur P.S paraiya, District- Gaya
 2. Guddu Kumar @ Guddu Yadav, S/O Feku Yadav, R/O Village- Bagahi Tala, Bankepur P.S paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rabia Gulnaz, Advcoate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mrs. Rabia Gulnaz, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seeks regular bail, who are in custody in connection with Paraiya P.S. Case No. 196 of 2022 registered for the offences punishable under Sections 414 / 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the police on suspicion apprehended both the petitioners, who were moving on a motorcycle and in course of interrogation, they



failed to produce any papers, showing the ownership of the motorcycle and the same is found to be stolen motorcycle.

Learned counsel appearing on behalf of the petitioners submits that the motorcycle, in question, was not a stolen property, rather the same was purchased by the younger brother of the petitioners and they are not knowing the fact as alleged in the FIR. It is further submitted that so far the alleged stolen motorcycle is concerned, the police has not come out with any case that any point of time any FIR / complaint has been instituted with regard to theft of that motorcycle. She next submits that the name of the petitioners have been implicated only on account of the fact that earlier, they were found involved in Paraiya P.S. Case No. 195 of 2022. Now the petitioners are in custody since 17.06.2022 and, moreover, the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that there is no material suggesting that the motorcycle was a stolen property, apart from the period of



custody and the fact that the investigation of the crime is complete, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Paraiya P.S. Case No. 196 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 petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners has concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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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