

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65291 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- KALUAHI District- Madhubani

MITHILESH KUMAR YADAV @ MITHILESH YADAV Son of Late Dev
Narayan Yadav @ Late Debu Yadav Resident of Village- Gobrahi, P.S.- Jay
Nagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 414/34 of the Indian Penal Code.

The case relates to recovery of one 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 the name of
the petitioner has surfaced in this case on the basis of
disclosure made by the co-accused, Haresh Kumar Das. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather the alleged



motorcycle has been recovered from the possession of the co-accused, co-accused, Haresh Kumar Das who allegedly disclosed before the police that the motorcycle in question was taken from the house of the petitioner. He further submits that the petitioner has no concern with the alleged recovery and the co-accused. 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 07.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four 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 Court below where the case is pending in connection with Kaluahi P.S. Case No. 147 of 2021 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)

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