

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69626 of 2023

Arising Out of PS. Case No.-130 Year-2022 Thana- TETERHAT District- Lakhisarai

Dularchand Yadav Son Of Prabhu Yadav Resident Of Village - Teldih, Police
Station - Ariyari, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tetarhat P.S. Case No. 130 of 2022 lodged under Section 379 of
the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons against whom the
allegation is to commit theft of the truck of the informant.

4. Learned counsel for the petitioner submits that the
said truck has been recovered from the shop of Guddu Denar.
He submits that petitioner is in custody since 09.08.2023 and
there are 2 criminal cases pending against the petitioner in
which he is on bail. He further submits that petitioner has been
falsely implicated in this case and his name has figured in this



case only and only due to suspicion. The Co-ordinate Bench of this Court has pleased to grant bail to one accused, namely, Dablu vide order dated 25.08.2023 passed in Cr. Misc. No. 54354 of 2023. Counsel also submits that charge has been alleged in this case of Section 379 of the I.P.C. which is magisterial triable in nature.

5. Learned counsel for the State opposes the prayer for bail and submits that the Co-ordinate Bench of this Court has granted bail in which it has been specifically mentioned that there is no criminal antecedent of the petitioner, but here in the present case, there are 2 criminal antecedent of the petitioner.

6. Upon specific query whether charge has been framed or not. Counsel submits that as per the knowledge, charge has not been framed till date.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Tetarhat P.S. Case No. 130 of 2022, subject to the following conditions as laid down under Section 437(3) of



Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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