

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66782 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- JAHANABAD District- Jehanabad

Sanjay Yadav, Son of Bindeshwar Yadav, Resident of village - Baxar Tola
Janai Bigha, P.S.- Bandeya, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Singh, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Rajendra Singh, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Jehanabad Town P.S. Case No. 270 of 2022
registered for the offence punishable under Section 379 of the
Indian Penal Code.

Allegedly, the petitioner was caught red handed while
moving with the stolen motorcycle.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not named in the FIR and in fact
his name has been implicated in this case only on account of



suspicion. He further submits that the offence is triable by the Magistrate and he is in custody since 29.08.2022, apart from the fact that the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witnesses.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the stolen motorcycle has been recovered from the conscious possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the offence is triable by the Magistrate, coupled with the fact that the petitioner is in custody for over a period of six months, 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 Chief Judicial Magistrate, Jehanabad in connection with Jehanabad Town P.S. Case No. 270 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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