

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71127 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Balindra Yadav Son of Misri Chaudhari R/o Madarvani, P.s. - Phulwaria, Distt. - Gopalganj
 2. Santosh Yadav Son of Kailash Yadav R/o Srinagar Ghusa Dobaha, P.S. - Phulwariya, Distt. - Gopalganj
 3. Lakshman Yadav Son of Padwari Yadav R/o Srinagar Ghusa Dobaha, P.S. - Phulwariya, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Nagar Thana Gopalganj P.S. Case No. 257 of 2023 registered on 03.04.2023 for the alleged offences under Section 379 of the I.P.C.

3. As per prosecution case, motorcycle of the informant was stolen by unknown persons and the name of the petitioners surfaced during investigation for involvement in theft.

4. The learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. Petitioners have no concern with the alleged offence. F.I.R. has been lodged after delay of eight days and it creates doubt over the prosecution story. On a secret information, police conducted a raid and recovered one motorcycle and illicit liquor from a certain place and petitioner no. 1 was standing there who was apprehended and disclosed names of two other persons for their involvement in liquor smuggling and thereafter, all of them were made accused in this case. The petitioners have been remanded in this case from Phulwariya P.S. Case No. 156 of 2023 on 16.07.2023. Charge-sheet has been submitted. Learned counsel further submits petitioner no.1 is accused in seven criminal case, petitioner no. 2 is made accused in six criminal cases and petitioner no. 3 made accused in two criminal cases and all the petitioners are on bail in all such cases.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that nothing incriminating has been recovered from their possession and further considering the period of custody of the petitioners and submission of charge-sheet, the petitioners



above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Nagar Thana Gopalganj P.S. Case No. 257 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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