

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72511 of 2022**

Arising Out of PS. Case No.-439 Year-2022 Thana- RAJAOLI District- Nawada

SAJAN KUMAR Son of Shankar Yadav @ Shankar Prasad Yadav Resident  
of Village - Dhamni Tola, Chataro, P.S.- Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 10545 of 2023**

Arising Out of PS. Case No.-439 Year-2022 Thana- RAJAOLI District- Nawada

VIPIN KUMAR YADAV @ VIPIN KUMAR SON OF BALAK YADAV @  
RAM BALAK YADAV R/O VILLAGE- BARA, P.S.- RAJOULI, DISTRICT-  
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 72511 of 2022)

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

For the Opposite Party/s : Ms. Meena Singh, APP

(In CRIMINAL MISCELLANEOUS No. 10545 of 2023)

For the Petitioner/s : Mr. Man Mohan Kumar, Adv.

For the Opposite Party/s : Ms Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      10-04-2023      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since  
18.10.2022 & 29.11.2022 respectively, in connection with  
Rajauli P.S. Case No. 439/2022 registered for the offence  
punishable under Section 414 of the I.P.C.



According to prosecution case, some looted motorcycles have been recovered from the possession of the petitioners.

Learned counsel for the petitioners submits that in fact, the petitioner no.1 namely, Sajan Kumar has one antecedent and the petitioner no.2 has clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that some looted motorcycles have been recovered from the house of the petitioners. He further submits that it appears from the seizure list that there is no independent witness of the seizure list and even the copy of the seizure list has not been handed over to the family members of the petitioners and in fact nothing has been recovered from the house of the petitioner, rather the police has planted the same and shown the recovery from the house of the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioner no.1 is in custody since 18.10.2022 and the petitioner no.2 is in custody since 29.11.2022.

The learned Additional Public Prosecutor for the petitioners on the other hand vehemently opposed the prayer of bail of the petitioners on the ground that the petitioner no.1



carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Nawada, in connection with Rajauli P.S. Case No. 439/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)**

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

