

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.925 of 2023

Arising Out of PS. Case No.-643 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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DEEPAK KUMAR @ DEVA SON OF SHIBU PRASAD YADAV @ SHIV
YADAV R/O VILLAGE- KATHAL BARI, P.S.- BARARI, DISTRICT-
BHAGALPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 1151 of 2023

Arising Out of PS. Case No.-643 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NILESH KUMAR SON OF RAM AWADH YADAV R/O MOHALLAH-
KHATAHALWARI, BARARI, P.S.- BARARI, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 925 of 2023)

For the Petitioner/s : Mr.Md. Nazir Ansari, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 1151 of 2023)

For the Petitioner/s : Mr.Deepak Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Kotwali (Barari) P.S. Case No.643 of 2022 instituted under
Section 379 of the IPC lodged on 26.07.2022 by the informant
Mantu Chaudhary.

As per the FIR, when the informant was returning



after taking holy bath at River Ganga, his motorcycle as also that of Sanoj Yadav were found missing. Accordingly, the FIR.

Subsequently, the names of petitioners cropped and motorcycle recovered.

Learned counsel for the petitioners submit that the recovery of the motorcycles were outside the home of Niles, both of them have already suffered by being in custody since 27.07.2022.

Learned APP opposes the prayer.

Considering the period of custody as also the fact that the charge sheet having been filed, as FIR registered, ultimately they have to face the trial, this Court is inclined to grant him bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kotwali (Barari) P.S. Case No.643 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to following conditions:

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



(ii) the petitioners 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 bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark attendance;

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

(v) the petitioners 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.

(Rajiv Roy, J)

Prakash Narayan /-

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