

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40105 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- EKMA District- Saran

Mohan Yadav @ Ranjeet Kumar Yadav Son of Hari Kisun Yadav @ Hare Krishna Yadav, Resident of Village- Madhopur, P.S.- Rasulpur, Distt. - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Mishra, Advocate
For the Opposite Party : Mr. Vinod Shanker Modi., APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Dhananjay Mishra, the learned counsel for the petitioner and Mr. Vinod Shanker Modi, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ekma PS Case No. 55 of 2023, FIR dated 15.02.2023, registered for the offences punishable under Sections 414 and 413 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, after receiving the secret information that one Guddu Kumar Rai is coming with a stole motorcycle, the informant along with the police party apprehended the accused person and recovered the stolen motorcycle from him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated



in the present case. He further submits that upon perusal of the FIR and seizure list, it appears that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the possession of co-accused person namely, Guddu Kumar, who has disclosed the name of the petitioner, that petitioner was also involved in the crime in question.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner and petitioner's name transpired on the basis of disclosure made by the co-accused person, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, where the case is pending in connection with **Ekma PS Case No. 55 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)

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