

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52860 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- SIRDALA District- Nawada

Santosh Kumar Son of Rajo Prasad Yadav @ Rajo Yadav R/O Vill.- Bahuara,
P.s.- Sirdalla, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sirdalla P.S. Case No. 178 of 2024 registered
for the offence punishable under Section 414 read with 34 of the
Indian Penal Code.

3. Allegedly, two stolen motorcycles have been
recovered from the house of the petitioner.

4. Learned counsel for the petitioner contended that
the FIR is not preceded with any other FIR or complaint with
regard to theft of motorcycles which are said to have been
allegedly recovered from the house of the petitioner. It is further
contended that be that as it may, the crime in question, is triable
by Magistrate and compoundable by the owner of the



motorcycles. It is next contended that the seizure list witnesses are none else but the members of the raiding party and now the petitioner is in custody since 09.05.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner is carrying two criminal antecedent over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the offence in question is triable by Magistrate and the recovery of the stolen motorcycles does not disclose as to whether with respect to theft of the motorcycles any FIR/complaint has been instituted or not, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada in connection with Sirdalla P.S. Case No. 178 of 2024, 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.

(Harish Kumar, J)

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