

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61425 of 2024

Arising Out of PS. Case No.-57 Year-2022 Thana- CHAKAND District- Gaya

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1. Ranjan Yadav @ Butti Yadav S/O Mahendra Yadav Resident of Village-Pachu Bigha, P.S -Chakand, District- Gaya
 2. Lakhan Yadav @ Pramod Kumar S/O Mahendra Yadav Resident of Village-Pachu Bigha, P.S -Chakand, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-09-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Chakand P.S. Case no.57 of 2022 registered for the offence punishable under section 379 of the Indian Penal Code.

3. As per the prosecution case, the informant states that he had parked his motorcycle near his *darwaza* but in the morning, he found the same missing. On searching for the same and on making enquiries, it is stated that the two petitioners herein started to abuse him and threatened to assault. The informant states that he suspects that these two petitioners have stolen his motorcycle.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. From perusal of the FIR itself, it would transpire that neither the informant is an eye witness to the occurrence nor he has any basis to implicate the petitioners. It is further submitted that though the occurrence is said to have taken place on 13.3.2022, from the contents of the order of the learned trial Court, which is dated 4.5.2023 ie more than a year after the occurrence, it would transpire that the stolen motorcycle has still not been recovered. The cause of petitioners' false implication is their antecedents.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioners in the FIR together with the motorcycle of the informant not having been recovered from the possession of the petitioners and in fact not recovered at all, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Chakand P.S. Case no.57 of 2022 on each of them furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VIII, Gaya, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

Saurabh/-

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