

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69981 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- RAXAUL District- East Champaran

Ajay Yadav @ Ajay Kumar Yadav @ Ajay Kumar, Son Of Bhikhar Yadav,
R/O Vill.- Siswa, P.S.- Raxaul, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Raxaul P.S. Case No. 172
of 2024 registered for the offence punishable under Sections 379
of the Indian Penal Code.

3. Allegedly the informant went in Cosino Mall after
parking his motorcycle bearing Registration No. BR05N8076
and when he returned back, he found his motorcycle missing.
Despite his best effort he could not trace out his motorcycle; and
then he came to know that his motorcycle has been stolen by
some unknown thieves.

4. Learned Advocate appearing on behalf of the



petitioner contended that the FIR has been instituted against unknown thieves. During the course of investigation the petitioner was apprehended with the subject motorcycle, however, it has later on surfaced that the motorcycle was stolen by the co-accused Hammu Yadav and the petitioner has purchased the stolen motorcycle after making payment of Rs. 13,000/- to co-accused Hammu Yadav. Learned Advocate for the petitioner further contended that in fact he was not knowing this fact that the motorcycle in question is a stolen property and thus, he purchased the same without knowing the consequences. For the fault as stated above, the petitioner has already been punished and now he has been incarcerated since 07.07.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner was apprehended with the stolen motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 07.07.2024, the investigation of the crime is complete and the chargesheet has been submitted, let the petitioner, named above, be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Court of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, Dist. East Champaran in connection with Raxaul P.S. Case No. 172 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)

supratim/-

U		T	
---	--	---	--

