

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70206 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- RASULPUR District- Saran

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Dhiraj Kumar Yadav S/o Bhairaw Yadav R/o Village- Asahani, P.S.- Rasulpur,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Rasulpur P.S. Case No. 89 of 2024,
registered for the offence punishable under Sections 413 and
414/34 of the Indian Penal Code and Section 25(1-b)a and 26 of
the Arms Act.

3. The police on a secret information apprehended
three persons, including the petitioner. From the possession of
the petitioner one motorcycle and a mobile have been recovered.
Some incriminating material have also been recovered from the
possession of other co-accused person.

4. There is complete denial of the recovery from the
possession of the petitioner. Learned Advocate for the petitioner



contended that the alleged motorcycle was recovered from an orchard. However, only on account of the fact that the petitioner is present there, his name has been implicated in this case. The petitioner has absolutely clean antecedent and, as such, in any view of the matter, Sections 413 and 414 of the Indian Penal Code is not made out. There is no recovery of any arms and ammunitions from the possession of the petitioner. The petitioner is in custody since 01.06.2024. Now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no FIR or complaint preceding to the present FIR with regard to the theft of the motorcycle, in question, coupled with the fair antecedent and the investigation being completed, 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Rasulpur P.S. Case No. 89 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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