

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4015 of 2024

Arising Out of PS. Case No.-336 Year-2021 Thana- SIWAN CITY District- Siwan

Rajbalam Yadav S/o - Indradev Chaudhary @ Inardev Yadav R/o Vill.-
Kamalpur, P.S.- Barauli, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Learned counsel for the petitioner is permitted to
make necessary correction in para 9 of the bail petition during
the course of the day.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Siwan Town (Sarai O.P.) P.S. Case No. 336 of 2021, Sessions
case No. 48 of 2023 registered for the offences punishable under
Sections 413 and 414/34 of the IPC.

4. As per prosecution case, petitioner is said to
have been apprehended with a motorcycle, for which he has not
produced any documentary proof. It is further alleged that upon
the disclosure of petitioner, four persons were apprehended with
three stolen motorcycles.



5. Learned counsel for the petitioner submits that petitioner is in custody since 28.06.2021 and bears criminal antecedent of one case in which he is on bail. He further submits that petitioner has served more than two years in judicial custody. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody which is more than two years, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIIIth, Siwan in connection with Siwan Town (Sarai O.P.) P.S. Case No. 336 of 2021, Sessions case No. 48 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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