

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1786 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- MALAHI District- East Champaran

Harinarayan Yadav @ Harinarain Yadav, (M), aged about 30 years, son of
Sital Yadav, resident of Chatiya Diyar, P.S. - Malahi, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Ranjan, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Malahi
PS Case No.66 of 2024 dated 29.09.2024, instituted for the
offence punishable under Sections 317(4), 317(5), 3/5 of the
Bhartiya Nyaya Sanhita, 2023.

3. The allegation against the petitioner is that on the
alleged date and time of occurrence he along with another co-
accused was stopped by the police during vehicle checking and
when the police demanded papers of vehicle they did not give
satisfactory reply.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Only on the basis of suspicion, the petitioner has been arrested and made accused in this case. The motorcycle was not recovered from the possession of the petitioner. The petitioner has no concern with the said motorcycle. He was only a bystander. There is no independent witness to the seizure list and there is no compliance of Section 100(4) of the BNSS, 2023. Nothing has been recovered from conscious possession of the petitioner. Lastly, it is submitted that the petitioner is in custody since 30.09.2024 and three cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, East Champaran at Motihari, in Malahi PS Case No.66 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own



blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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