

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9009 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -DANAPUR District- PATNA

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1. Akhilesh Kumar @ Akhlesh Kumar Son of Sri Ramjee Prasad, Resident
of village- Daldali Road, Danapur, P.S.- Danapur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Umesha Nand Pandit (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 25-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Danapur
P.S. Case No. 03 of 2016 registered for the offences punishable
under Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)A, 26/35 of the Arms Act.

Allegedly, petitioner and other seven co-accused were
apprehended whereas, one co-accused succeeded in fleeing away
when they have assembled to commit crime and after search, from
possession of other co-accused, arms and ammunitions were
recovered but from possession of the petitioner nothing was
recovered.

Submission is of false implication and that the
petitioner has been made victim of the circumstances, he has got

no criminal antecedent, at the time of occurrence he was passing through the place of occurrence and in the mean time, he was arrested and, as such, he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the petitioner is a member of the gang.

In the facts and circumstances stated above, considering that the petitioner has got no criminal antecedent and nothing has been recovered from his conscious possession and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Danapur, Panta in connection with Danapur P.S. Case No. 03 of 2016 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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