

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37922 of 2018

Arising Out of PS. Case No.-21 Year-2017 Thana- KARAHGAR District- Rohtas

Akhilesh Kumar S/o Kedar Singh @ Kedar Chaudhary, R/o Vill.-
Badhaiyabag Takiya Bazar, P.S.- Sasaram (Modal), District- Rohtas at
Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
11.12.2017 in connection with Sessions Trial No. 141 of 2018,
arising out of Karahgar P.S. Case No. 21 of 2017 for offences
punishable under Section 395 of the Indian Penal Code,
although lodged under Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his truck driven by the truck driver was on the way,
four miscreants on gun point stopped the vehicle and snatched
Rs. 18,000/- and mobile from the driver and khalasi.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in



the aforesaid case. He submits that he is not named in the F.I.R., no T.I.P. has been done, nothing has been recovered from his conscious position and other accused person has been granted privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 33451 of 2018 vide order dated 14.06.2018. He further submits that his name surfaced only on the extra judicial confessional statement of a co-accused.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases are pending against him for similar allegations.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Rohtas at Sasaram, in connection with Sessions Trial No. 141 of 2018, arising out of Karahgar P.S. Case No. 21 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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