

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12886 of 2021**

Arising Out of PS. Case No.-318 Year-2020 Thana- HUSSAINGANJ District- Siwan

AKASH KUMAR S/O MANKU MAHTO R/O VILLAGE-LAXMIPUR,
NEAR-GODAM, POLICE STATION-SIWAN TOWN, DISTRICT-SIWAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Hussainganj P.S. Case No. 318 of 2020 registered for the offences punishable under Sections 413, 414 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant while on patrolling duty got secret information that three persons are trying to sell a stolen red colour Apache motorcycle. The informant along with police



party reached at the place of occurrence and on seeing police the accused persons tried to escape but one of them was caught and disclosed his name Akash Kumar (petitioner) and the said stolen motorcycle was recovered from a hut.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the motorcycle in question was recovered from a hut which does not belong to the petitioner. Learned counsel submits that the petitioner is in custody since 17.11.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the motorcycle in question was recovered from a hut which does not belong to the petitioner and it is nothing but a case of false implication, the petitioner has got one criminal antecedent in which he is said to be on bail and in connection with the present case the petitioner has remained in jail since 17.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - XII, Siwan in connection with Hussainganj P.S. Case No. 318 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that while submitting the bail bond the petitioner shall file an affidavit in the learned court below that he is on bail in the case stated in paragraph '3' of the application.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

