

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25586 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana- AMAS District- Gaya

AKASH KUMAR @ AKASH @ TOMAITO, Son of Rajdeo Mahto, Resident
of Village - Tilaiya, P.S.- Roshanganj, Distt.- Gaya. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate
Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

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

2 12-07-2021 The present application has been listed on mentioning
made by learned counsel for the petitioner saying that the Shradh
ceremony of the mother of the petitioner is going to be held on 13th
July, 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 Mr.
Choubey Jawahar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Amas P.S. Case No. 136 of 2020 registered for the
offence punishable under Section 379/34 of the Indian Penal Code.

As per prosecution story, while the informant was
irrigating his filed and submersible pump set was going on. In the
meantime, he went to sleep. After two hours, he returned then his



submersible pump was not there.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, the F.I.R. has been lodged four days after the alleged occurrence and only on the basis of the confessional statement of the co-accused and on recovery of the alleged stolen article at his instance, the petitioner has been implicated in this case.

It is further submitted that the petitioner has got two cases on his head, he is on bail in one of the cases while his prayer for urgent hearing of the second case is pending. In connection with the present case the petitioner has remained in judicial custody since 06.11.2020.

Mr. Choubey Jawahar, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the name of the petitioner has transpired in confessional statement of the co-accused and he is in jail for about eight months, this Court directs release of the petitioner above named 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 Sri Subhash Kumar, learned J.M. 1st Class, Sherghati, Gaya in connection with Amas P.S. Case No. 136 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 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

