

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29557 of 2021

Arising Out of PS. Case No.-487 Year-2020 Thana- BIHIA District- Bhojpur

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AKASH KUMAR S/O FAGU PRASAD R/O VILLAGE JUDGE BAZAR,
STATION ROAD, P.S. BIHIYA, DISTRICT BHOJPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Advocate
		Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bihiya P.S.
Case No. 487 of 2020 registered for the offences punishable
under Sections 399, 402, 212 of the I.P.C. and Sections 25(1-b)
a, 26, 35 of the Arms Act.

Petitioner and other accused are said to have been
assembled to commit a crime and from possession of the
petitioner, one loaded country made katta and one Vivo mobile
phone have been recovered.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that nothing has been recovered from possession of the petitioner as alleged by the informant in his written report. Petitioner is in custody since 27.12.2020. Learned counsel further submits that co-accused, namely, Durga Shankar Pandit @ Durgashan Kumar and Ganesh Kumar Sharma have been granted bail by a co-ordinate Bench of this court vide order dated 21.08.2021 passed in Cr. Misc. No. 30335 of 2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Bhojpur, Ara in connection with Bihiya P.S. Case No. 487 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

(Rajesh Kumar Verma, J)

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