

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31244 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- JOKIHAT District- Araria

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AKBAR SON OF ILIYAS R/O VILLAGE- TURKAILI, WARD NO.12, P.S.-
JOKIHAT, DISTRICT- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Jokihat P.S. Case No. 24 of 2021 registered for the offence under Sections 379, 411 and 34 of the Indian Penal Code.

The case relates to theft of construction material along with commercial vehicle.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact,



no stolen articles have been recovered from the conscious possession of the petitioner. As a matter of fact, the seizure list was prepared much after institution of the F.I.R. without explaining the plausible delay which creates doubt over the prosecution version itself. The petitioner is rotting in judicial custody since 21.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Jokihat P.S. Case No. 24 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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