

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2898 of 2021

Arising Out of PS. Case No.-138 Year-2018 Thana- MAHUA District- Vaishali

Akhilesh Kumar Son of Ramanand Singh Resident of Village - Chackajee
Nizam, P.S. - Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Mahua P.S. Case No. 138 of 2018, registered for the offence under Sections 399, 402, 414, 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

On a secret information that some miscreants are planning to commit *daoity*, a raid was conducted and three miscreants were apprehended, from whose possession, arms & ammunition were recovered, and they disclosed the name of this petitioner, as one of the associates, who fled away from the place of occurrence.

It is submitted on behalf of petitioner that petitioner has not been apprehended on the spot and his name has surfaced on the basis of confessional statement of co-accused. Neither arms & ammunition nor any incriminating article has been



recovered from the possession of the petitioner. Petitioner is in custody since 18.08.2020. Chargesheet has already been submitted.

Considering the fact that no arms & ammunition have been recovered from possession of the petitioner, period of custody of petitioner and the fact that petitioner has been made accused only on the basis of confessional statement of co-accused, the bail application of petitioner is allowed.

Let the above named petitioner 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 Chief Judicial Magistrate, Vaishali in connection with Mahua P.S. Case No. 138 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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