

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2162 of 2022

Arising Out of PS. Case No.-90 Year-2017 Thana- MAKHDUMPUR District- Jehanabad

Akhilesh Kumar, Son of Sahanand Yadav, Resident of Village - Ajay Bigha,
Police Station- Paras Bigha, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Makhdumpur P.S. Case No. 90 of 2017,
registered for the alleged offences under Sections 399, 402 and
414 of the Indian Penal Code.

As per prosecution case, the police received secret
information about some miscreants gathering near a line-hotel in
order to commit dacoity. The police conducted a raid at the
identified place and from near a vehicle found 7-8 persons
standing there who started running away on seeing the police
party. Three co-accused persons were apprehended and the co-
accused Rakesh Kumar named this petitioner who fled away



from the spot on seeing the police party along with some other co-accused persons.

The learned counsel for the petitioner submits that except for the confessional statement of co-accused Rakesh Kumar, there is no material against the petitioner, who was not arrested from the spot and nothing incriminating has been recovered from his possession. The co-accused Suraj Kumar, who was arrested from the spot with a loaded country made pistol and a live cartridge, has been granted bail by a Coordinate Bench of this Court vide order dated 10.04.2019 passed in Cr. Misc. No. 23071 of 2019 and the case of the petitioner is on better footing. No Test Identification Parade has been conducted and this petitioner is in custody since 27.08.2021. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and he is a habitual offender.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the grant of bail to the other co-accused person who was apprehended from the spot and further considering the period of custody of the



petitioner along with submission of charge sheet, the petitioner above named is directed to 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 Chief Judicial Magistrate, Jehanabad, in connection with Makhdumpur P.S. Case No. 90 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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