

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8700 of 2022**

Arising Out of PS. Case No.-824 Year-2020 Thana- SONEPUR District- Saran

AAKASH KUMAR @ AKASH KUMAR S/o Sitaram Rai Resident of
Village and P.O. - Sonapur, P.S. - Sonapur, District - Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 17-05-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sonapur P.S. Case No. 824 of 2020 registered for the offences punishable under Section 413, 401, 414/34 of the Indian Penal Code. He is in custody since 04.08.2021 having three criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that when he got secret information that a gang of thieves has gathered at Maharani Chowk Bagicha and intended to commit theft at a shop, thereafter he reached at the spot, and on seeing police some persons started fleeing away but three persons were arrested on the spot who were disclosed their



names as well as the name of the other persons including this petitioner. Some weapon like iron rod and chheni etc. were recovered. One motorcycle was also recovered. The informant further alleged that the apprehended persons confessed that they used to run a gang of thieves and used to commit theft in garment and grocery shops.

Learned counsel for the petitioner submitted that petitioner has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused and no incriminating article has been recovered from his possession.

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

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused, no incriminating article has been recovered from his possession and the co-accused namely, Dashrath Kumar @ Dasharath Rai @ Akash, Ranjit Kumar and Rahul Kumar have been granted bail by this court in Cr. Misc. No. 64275/2021, Cr. Misc. No. 22649/2021 and Cr. Misc. No. 30006/2021 respectively and further considering that the petitioner has remained in custody since 04.08.2021 and investigation against



him is complete, 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 C.J.M., Saran at Chapra in connection with Sonapur P.S. Case No. 824 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And by way of further condition, this court directs that henceforth till conclusion of trial in the present case, after his release from jail petitioner shall mark his attendance once in every two months before the S.H.O. of Sonapur Police Station in the District of Saran at Chapra and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the said Police Station in connection with any employment etc., then also he



will furnish his address and other information to the S.H.O.
Non-compliance with this condition shall be reported by the
S.H.O. of Sonepur Police Station to the learned court below and
steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the Superintendent
of Police, Saran at Chapra for necessary instruction.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

