

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9069 of 2022

Arising Out of PS. Case No.-477 Year-2021 Thana- SAKRA District- Muzaffarpur

Akhilesh Kumar @ Nanki, aged about 28 years, Male Son of Late Sachindra Mahto, Resident of Village- Madhusudanpur, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Sakra P.S. Case No. 477 of 2021 registered for the offence punishable under Sections 413, 414/34 of the Indian Penal Code and Sections 25(1-B) (a), 26 and 35 of the Arms Act.

The accusation against accused petitioner is to habitually dealing in the stolen property and as such found in possession of motorcycle alleged to be stolen.

The accused petitioner has been named in the FIR and is in custody since 26.09.2021.

Learned counsel appearing on behalf of the accused petitioner submitted that the entire seizure list is disputed for the



reason that the motorcycle belongs to one accused shown to be seized from other accused and in support of the same, it has been submitted that the motorcycle bearing registration no. BR30F2388, which was purchased by the petitioner shown as recovered from the accused Chandan Kumar. It has further been submitted that after arrest in the present matter three case of similar nature has been lodged against the petitioner. Learned counsel for the petitioner further submitted that the chargesheet has already been submitted in this case and as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded with the submission of learned counsel as regard to disputed seizure list.

Considering the above facts and circumstances, and in view of the disputed seizure list coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sakra P.S. Case No. 477 of 2021 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 12th Muzaffarpur subject to the following condition:-

“(i) That accused petitioner shall not involve in the



similar nature of offence during the pendency of trial, if found so, the State shall be at liberty to move before the trial Court itself for cancellation of bail of the petitioner.

(ii) That one of bailors shall be the close relative of the accused petitioner like mother/sister/brother.

(iii) The accused petitioner shall be physically present on each and every date during trial, the exemption from the personal appearance be allowed only on the medical ground of the accused petitioner fully supported by documents”.

(Chandra Shekhar Jha, J)

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