

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15403 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- KUTUMBA District- Aurangabad

Akshay Kumar Son of Sri Niwash Ram Resident of Village - Bhaluwari, P.S. -
Indrapuri O.P., District - Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 26.12.2021, seeks
regular bail in connection with Kutumba P.S. Case No. 212 of
2021 registered for offences punishable under Sections 379 of
the Indian Penal Code.

As per the allegation made in the FIR, informant had
parked his motorcycle near rice mill at Pipri Bagahi from where
it got missing. F.I.R. is against unknown. However, in course of
investigation, the alleged motorcycle was recovered from the
possession of the petitioner while he was getting the fuel filled
in the motorcycle. Petitioner was apprehended on the spot on



26.12.2021.

Learned counsel appearing on behalf of the petitioner submits that petitioner is aged about twenty years and he along with his friends had gone on joy ride however there was no intention to steal the motorcycle. Petitioner is a student in reputed college of Dehri-On-Sone, Rohtas and in custody since 26.12.2021. Petitioner has got clean antecedent. It has further been assured that there is no chance of absconding or tampering and hence petitioner deserves to be released on bail. He undertakes that the petitioner will not indulge in such activity in near future and considering his age he may released on any terms and conditions imposed so that he can pursue his education.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the FIR as well as the fact that the alleged motorcycle was recovered from the possession of the petitioner it appears that it is the first offence which has been committed by the petitioner. Petitioner is a student aged about twenty years. The petitioner above named is directed to be enlarged on bail if the petitioner and his father submit duly sworn affidavit that in future, he will not



indulge in such criminal activity and he will pursue his studies.
If such affidavit is filed, the petitioner above named is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Aurangabad in connection with Kutumba P.S. Case No. 212 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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