

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23463 of 2022

Arising Out of PS. Case No.-467 Year-2021 Thana- MURLIGANJ District- Madhepura

Akhilesh Kumar @ Fekan @ Akhilesh Yadav Son Of Janardan Yadav, R/O Village- Naulakhia, Ward No.-05, P.S.- Jankinagar, District- Purnea, At Presently R/O Village- Karbailly, Ward No.-05, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Murliganj P.S. Case No. 467 of 2021 lodged under Sections 392/411 of the Indian Penal Code.

As per the prosecution case, the petitioner was apprehended by the informant and villagers at the place of occurrence.

The allegation of loot of Rs. 5000/-, photograph and one mobile phone Realme company were made in the F.I.R.

Learned counsel for the petitioner submits that the

present case is out and out false due to certain reason, firstly due to the reason that the alleged occurrence is said to be taken place at about 6.00 pm on 27.12.2021 and the F.I.R. has been lodged on 28.12.2021 at about 08:50 pm i.e. completely after delay of about 24 hours but delay has not been explained. He secondly raised the point that from the F.I.R., the informant has handed over the accused immediately after the occurrence and thirdly the materials which has been recovered from the possession of the petitioner as per seizure list do not match with the articles stated in the F.I.R. In addition to that, learned counsel for the petitioner submits the alleged motorcycle which has been recovered from the petitioner belongs to him as he possess the certificate of registration in the name of his wife (Annexure-2). He further submit that petitioner is in custody since 28.12.2021 having one criminal antecedent, in which he is on bail. He further submits that charge sheet has already been filed in this case and petitioner is ready to fulfill all the conditions whatever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the

satisfaction of learned A.C. J.M-1st Madhepura in connection with Murliganj P.S. Case No. 467 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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