

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30017 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- BARBIGHA District- Sheikhpura

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Akhilesh Kumar Son of Nande Chouhan Resident of Village - Karkitoral
Bigha, P.S. - Ariyari, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 414 of the Indian Penal
Code.

According to prosecution case, in brief, is that on
27.02.2022, the informant A.S.I. Manoj Kumar along with
police officials was on patrolling duty, he received an
information that accused Vikki Malakar along with his three
friends has stolen two e-rikshaws and kept behind the house of
Sahdeo Pandit and is talking about selling. On information,
informant reached there and arrested one person named



Akhilesh Kumar and three managed to escape who were Vikki Malakar, Sintu Chauhan, Ranjit Kumar, and informant seized two e-rikshaw. It is further alleged that on the disclosure of accused Akhilesh Kumar informant alongwith police party and accused Akhilesh Kumar, reached village Ugma at the house of accused Manoj Kumar and after seeing the police party, the accused managed to escape, after that the informant seized one bullet motorcycle and three mobile sets from the house of accused Manoj Malakar.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing stolen article has been recovered from the possession of the petitioner or the house of the petitioner and the petitioner has no concern at all with the co-accused namely, Vikki Malakar. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than



the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Barbigha (Mission O.P.) P.S. Case No. 77 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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