

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44107 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

AKASH KUMAR Son of Shambhu Mahto Resident of village - Nariyal
Bazar, Ward No.- 9, P.S.- Town Madhubani, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madhubani Town P.S. Case No. 152 of 2022 registered for the
offence under Sections 399 and 402 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.05.2022.

The allegation against the petitioner is to prepare for
dacoity, along with other co-accused persons and, while
preparing so, found in possession of one country made pistol.



Learned counsel appearing on behalf of the petitioner submitted that recovered alleged bullet motorcycle does not belong to this petitioner, whereas seized mobile belongs to this petitioner having no connection with present allegation and, on the basis of this, it cannot be said that petitioner was involved in the preparation, which may result in dacoity. It is further submitted that alleged recovery of pistol is, admittedly, from a mango tree and not from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as no incriminating material was recovered, which may suggest allegation on its face, as raised against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhubani Town P.S. Case No. 152 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate,
Madhubani/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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