

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61434 of 2021**

Arising Out of PS. Case No.-151 Year-2020 Thana- ROSHANGANJ District- Gaya

Akhilesh Kumar @ Akhilesh Yadav, Son Of Suresh Yadav, Resident Of
Village- Churamandih Husenganj, P.S.- Roshanganj (BANKEY Bazar),
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 02-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Roshanganj (Bankey Bazar) P.S. Case No. 151 of 2020 registered for the alleged offences under Section 379 of the Indian Penal Code.

As per prosecution case, the motorcycle of the informant was stolen by unknown thieves and later on, the name of the petitioner transpired as the person who took away the motorcycle of the informant.



The learned counsel for the petitioner submits that except for the confessional statement of this petitioner, there is no cogent material to connect the petitioner with the alleged occurrence. The petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. The petitioner has been remanded in this case from some other case and police forcibly extracted the confession by taking signature of the petitioner on some blank paper and used it for recording the confessional statement. Charge-sheet has been submitted in this case and the petitioner is in custody 24.02.2021.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from this petitioner and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 24.02.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sherghati (Gaya) in connection with Roshanganj (Bankey Bazar) P.S. Case No. 151 of 2020, subject



to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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