

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66294 of 2021

Arising Out of PS. Case No.-579 Year-2021 Thana- PHULWARISHARIF District- Patna

Akash Kumar S/o Bijendra Saw R/o village- Bhadwar, P.S.- Chandi,
District- Arah, Bihar, At present Kagizi Mohalla, C/o Ranjit Kumar, S/o
Jagarnath Yadav, P.S.- Danapur, District- Patna Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 392 of the
Indian Penal Code in connection with Phulwarisharif (Janipur)
P.S. 579 of 2021.

As per the allegation in the FIR, the informant and
his friend alighted at the Danapur Railway Station having
travelled all the way from Pune and reserved an auto and further
was returning home where it is alleged that the auto driver in the
garb of attending call of nature contacted his associate and
thereafter the said co-accused looted them of their belongings
including Rs. 13,000/-, two smart phones. Later the informant
lodged this FIR.



The case was registered against unknown and subsequently during the investigation, it came to light that the Auto that was used in the crime as also the looted mobile has alleged to have been recovered from the petitioner and whereafter he made confession and gave the name of other accused.

Learned counsel for the petitioner submits that he has no criminal antecedent and for the said alleged act, he has suffered a lot by being jail since 27.7.2021 (as stated in para-17 of the bail application). He further submits that if released on bail, he is ready to abide by all terms and conditions.

Taking into account the fact that the petitioner is in custody since 27.7.2021, the charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail subject to strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional Chief Judicial Magistrate-IX, Patna, in connection with Phulwarisharif (Janipur) P.S. 579 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month till conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threaten the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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