

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10533 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- AKHODHIGOLA District- Rohtas

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MUKESH KUMAR S/o Arjun Singh R/o Village- Bhaishahi Kala, P.S.-
Sasaram (M), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddharth Harsh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Akorhigola P.S. Case No. 149 of 2022 dated 20.10.2022 registered
for the offence under Sections 395 of the Indian Penal Code.

The informant alleged that some unknown persons
took away his three tractors with dals, stone paper of iron, Gas
cylinder, cutter machine and mobile phone from the site after
confining his staffs in a room.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name
transpired in this case on the basis of CDR and the confessional



statement of the co-accused, Harendra Kumar. In fact, nothing incriminating, as alleged in the F.I.R., has been recovered from the house or conscious possession of the petitioner. He further submits that though three mobiles have been recovered from the house of the petitioner but they are not the stolen property rather they belong to the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Karan Ram @ Gora Bhuiya and Pramod Kumar Pandey @ Pramod Pandey have already been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2023 and 10.04.2023 passed in Cr. Misc. No. 10630 of 2023 and Cr. Misc. No. 6144 of 2023, respectively. The petitioner is rotting in judicial custody since 27.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st, Class, Dehri, Rohtas in connection with Akorhigola P.S. Case No. 149 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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