

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16246 of 2023**

Arising Out of PS. Case No.-1 Year-2023 Thana- BARIYARPUR District- Munger

AKHILESH KUMAR BHARTI SON OF PRAHLAD PRASAD SAH R/O  
MOHALLA- SULTANGANJ BAZAR, P.S.- SULTANGANJ, DISTRICT-  
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prahalad Kumar Bhagat

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      30-05-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with  
Bariyarpur P. S. Case No. 01 of 2023, registered for the  
offences punishable under Section 392 of the Indian Penal  
Code.

The prosecution case as emerges from the FIR is  
that on 02.01.2023, when the informant was in his medicine  
shop, three persons on motor-cycle came there and snatched  
golden chain from his neck. It is further alleged that when  
he made protest, one person standing in front of him took  
out a pistol and tried to killed him.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the F.I.R. has been lodged against unknown, as such the name of the petitioner has not transpired in the F.I.R. He also submits that his name transpires in the confessional statement of one of the co-accused Ujjwal Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioner has been languishing in jail since 03.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



**this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate 1<sup>st</sup> Class, Munger in connection with Bariyarpur P. S. Case No. 01 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

skm/-

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