

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35537 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHUA District- Vaishali

AKSHAY KUMAR @ GUDDU KUMAR SON OF PRAMOD PATEL
RESIDENT OF VILLAGE- KANHAULI, PATEL NAGAR, PS- MAHUA,
DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishore
For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 401, 402, 412, 414/34 of the Indian Penal code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, on receiving secret information that some miscreants have looted one grocery shop and they are fleeing towards Hjiipur on two motorcycles. Thereafter the police party started checking the vehicle and then he got information that in the house of one Binod Ram, some persons are hidden, then the police party reached there and



found four persons in suspicious condition and there has been recovery of one mobile of I-tel company from the possession of the petitioner and other articles from co-accused persons.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner has apprehended on spot. On the basis of suspicion and due to his criminal antecedent, he has implicated in this present case by the police. No incriminating article has been recovered from the conscious possession of the petitioner. The seizure list does not bear the signature of the petitioner, which diminishes the recovery of looted mobile and hence, the provision of Section 100 of the Cr.P.C. has not followed in this case, while preparing the seizure list. He is languishing in judicial custody since 21.01.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Court below in connection with
Mahua P.S. Case No. 28 of 2023.

(Sunil Kumar Panwar, J)

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