

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36943 of 2023

Arising Out of PS. Case No.-306 Year-2022 Thana- KHUSRUPUR District- Patna

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Akash Kumar Son of Arvind Prasad @ Arvind Kumar Village Mohiuddinpur
Ps Nagarnausa District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Khusurupur P.S. Case No. 306 of 2022, registered for the

offences punishable under Sections 356 and 379 of the

Indian Penal Code and thereafter charge has been framed

under section 395 and 412 of the Indian Penal Code.

The prosecution case as emerging from the FIR is

that on 08.08.2022 at about 02:39 P.M. when the informant

was going for collection of money from the customer of

Bharat Finance from Gopal tola, one motorcycle came and

dashed him due to which he fell down. It is further alleged



that the petitioner and his associates snatched the bag of the informant containing Rs. 1,30,356, tab and other important articles.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no illegal arms has been recovered from the petitioner and even as per the FIR recovery has been made from other co-accused. He also submits that no case is made out and even no TIP has been conducted till date.

He further submits that the petitioner has been languishing in jail since 13.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

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. concerned Trial Court in connection with Khusurupur P.S. Case No. 306 of 2022, 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 hamper 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 criminal antecedents other than



the disclosed one, Ld. court below shall cancel the bail bond 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 bond 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)

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