

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60308 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- RAMPUR District- Gaya

Akhilesh Kumar S/O Baliram Yadav Resident Of Village-Chandeni, P.S.-
Konch, District-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 413, 414, 467, 468 and 34 of the Indian Penal Code.

3. Prosecution case relates to recovery of two stolen motorcycles from the possession of the petitioner and other co-accused person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is further submitted that the alleged recovery of one motorcycle from the possession of the petitioner and for the said motorcycle, already an FIR was registered earlier in Paraiya P.S.



Case No. 274 of 2022 under Section 379 of IPC and in that case, petitioner has been made accused also. He has been dragged in this case only on the basis of his previous criminal antecedent. There is no independent witness of the seizure list which violates the provision of 100 Cr. P.C. This case is triable by the Court of learned Judicial Magistrate. Moreover, the petitioner is languishing in judicial custody since 05.05.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rampur P.S. Case No. 324 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C, Gaya.

(Sunil Kumar Panwar, J)

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