

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50889 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- BARGAINIA District- Sitamarhi

Akhilesh Thakur @ Akhilesh Kumar Son Of Surendra Thakur Resident Of
Pachtaki Ps Baiganiya Dist Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
19.11.2022 in connection with Baigania P.S. Case No. 270 of
2022, F.I.R. dated 21.09.2022 for the offences punishable under
Section 379 of the Indian Penal Code.

3. According to prosecution case, in brief as per
written report of the informant stating therein that on
18.09.2022 at about 11:00 P.M., the informant noticed that his
motorcycle is missing from the door of Pankaj Kumar, that
informant has parked his motorcycle for taking part in a feast.
When the informant came out after feast he noticed that his
motorcycle is not at the parking place.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits it appears from the F.I.R. that the looted articles have been recovered from the possession of the petitioner and other co-accused persons and thereafter, the petitioner and other co-accused persons have confessed their guilt in the present occurrence. He further submits that similarly situated, co-accused, namely, Deepak Singh @ Deepak Kumar Singh @ Deepak Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No.43639 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 19.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 270 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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