

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55130 of 2022

Arising Out of PS. Case No.-810 Year-2020 Thana- SONEPUR District- Saran

AKASH KUMAR @ AAKASH KUMAR SON OF SITA RAM RAI
RESIDENT OF VILLAGE- SONEPUR, P.S.- SONEPUR, DISTRICT-
SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sonapur
P.S. Case No. 810 of 2020 registered for the offences punishable
under Sections 392 of the Indian Penal Code.

As per prosecution case, some antisocial boys
stopped the informant's vehicle and snatched mobile phones, gold
chain, ring, Rs.18,000/- in cash and helmet showing fear of pistol.

Learned counsel for the petitioner submits that
petitioner is not named in FIR. The name of the present petitioner
has been surfaced upon the confessional statement of co-accused
Rahul Kumar and Vishal Kumar. Except confessional statement,
there is nothing on record to demonstrate the complicity of the
present petitioner with the alleged occurrence. Co-accused Vishal



Kumar upon whose confessional statement the name of the present petitioner has been transpired in the present case, has already been granted bail by this Court vide Cr. Misc. No. 44781 of 2022 and co-accused Rahul Kumar has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 3004 of 2022 and the case of present petitioner stands more or less on similar footing. Petitioner is innocent and has committed no offence rather he has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted uptill now. Learned counsel for the petitioner submits that petitioner is in custody since 02.09.2021 and bears criminal antecedent of three cases in which petitioner is on bail in one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Sonapur P.S. Case No. 810 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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