

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66452 of 2022

Arising Out of PS. Case No.-686 Year-2020 Thana- SONEPUR District- Saran

Akash Kumar @ Aakash Kumar Son Of Sita Ram Rai R/O Village- Sonapur,
P.S.- Sonapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Learned counsel for the petitioner seeks permission to make necessary correction in paragraph-12 of the bail petition.

Permission is accorded.

Heard Mr. Chandra Mohan Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sonapur P.S. Case No. 686 of 2020, registered for the offences punishable under Sections 456, 379 of the Indian Penal Code.

It is alleged that while the informant was on the way to his house, in the meantime two motorcycles borne miscreants



snatched his bag containing cash of Rs.3,500/-, mobile and other valuables.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the same has been instituted against unknown two miscreants and moreover the occurrence took place on 17.09.2020 at 9 O'clock, however, FIR has been registered on 19.09.2020, after a delay of two days. He next submits that during the course of investigation one Rahul Kumar was apprehended by the police on suspicion and thereafter, name of the petitioner has surfaced on his extra judicial confession made before the police. He further submits that prior to the institution of this case petitioner was not named in any of the criminal cases, however, on being apprehended in this case, he has been remanded in four other criminal cases as has been mentioned in Paragraph-3 of the bail petition. He lastly submits that co-accused Rahul Kumar on whose confession name of the petitioner transpired, has also been allowed bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 11635 of 2022 vide order dated 04.07.2022. Now, the petitioner is in custody since 11.03.2022.

On the other hand learned APP for the State vehemently opposes the bail application.



Regard being had to the submissions made on behalf of the parties and considering the materials available on record especially the fact that the person on whose confession name of the petitioner transpired, has been allowed bail, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonpur P.S. Case No. 686 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

