

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70509 of 2022

Arising Out of PS. Case No.-473 Year-2022 Thana- BARAUNI District- Begusarai

AKHILESH PATHAK @ AKHILESH KUMAR S/O MUNNA PATHAK @
SACHIDANAND JHA Resident of village- Papraur, P.S.- Barauni (zero mile
O.P.), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shubhesh Pandey
For the Opposite Party/s :	Mr. Satyendra Prasad
	Mr.Raj Kumar
	Mr. Sarvottam Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 27-03-2023 Heard the learned counsel for the petitioner and

learned APP for the State, assisted by learned counsel for the

informant.

This is an application for regular bail on behalf of

the petitioner for the offences alleged under Sections 461 and

379 of the Indian Penal Code, registered in connection with

Barauni P.S.Case No. 473 of 2022.

As per allegation, some accused persons committed

theft in the factory-cum-residential accommodation of the

informant and a number of household articles and ornaments

were stolen away. The informant mentioned the name of eight

persons including the petitioner with allegation that they had



committed theft in his factory-cum-house.

The learned counsel for the petitioner has submitted that he is innocent. He was not arrested on the spot. None had seen him committing theft. The FIR was lodged after four days of the occurrence and the name of the petitioner has figured on the basis of self-investigation by the informant. The petitioner is a person of clean antecedent and the articles recovered from his house are household articles and those are not the stolen ones. He has further submitted that the petitioner is in custody since 16.10.2022. On similar footing, co-accused Bittu Kahar @ Bittu Kumar has been granted bail by a coordinate Bench of this Court under order dated 14.03.2023 in Cr.Misc. No. 66246 of 2022.

On the other hand, the learned counsel for the informant has submitted that the case of the petitioner is not on similar footing than that of Bittu Kahar @ Bittu Kumar since some stolen articles have been recovered from the house of the petitioner.

Considering the above facts and circumstances and also in view of the fact that the petitioner is a person of clean antecedent and is in custody since October, 2022, 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 learned CJM, Begusarai in connection with Barauni P.S.Case No.473 of 2022, subject to the following conditions:-

1. The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

2. If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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