

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79338 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- LADANIA District- Madhubani

AKASH MUKHIYA @ AAKASH KUMAR SON OF SATAY NARAYAN
MUKHIYA @ SATAYANARAYAN MUKHIYA R/O VILLAGE-
KORAHIIYA, P.S.- JAYNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ladaniya P.S. Case No. 14 of 2023 registered for the offences
punishable under Section 392 of the IPC.

3. As per prosecution case, four miscreants on two
motorcycles came and snatched informant's Redmi mobile, key
of the motorcycle alongwith bag containing Rs. 2,15,000/- and
fled away.

4. Learned counsel for the petitioner is not named
in the FIR and his name has been surfaced in the present case
upon the confessional statement of co-accused Sonu Kumar and
Sudhir Kumar. Except confessional statement of co-accused



persons, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel for the petitioner submits that petitioner is in custody since 18.07.2023 and bears criminal antecedent of three cases in which he is on bail. He further submits that petitioner has been remanded in the present case from Madhubani Town P.S. Case No. 146 of 2023. No TIP has been conducted uptill now. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has falsely been implicated in the case. He further submits that co-accused Sonu Kumar Mukhiya, upon whose confessional statement petitioner's name has been surfaced, has already been granted bail vide Cr. Misc. No. 63918 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view the aforesaid facts and circumstances of the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view series of criminal antecedent against the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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., Madhubani in connection with Ladaniya P.S. Case No.14 of 2023 , 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)

vashudha/-

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