

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64019 of 2024**

Arising Out of PS. Case No.-128 Year-2024 Thana- BIHIA District- Bhojpur

Akash Kumar @ Anil Kumar Son of Madan Yadav @ Dadan Yadav Resident
of Vill- Rupbandh, P.S.- Jagdishpur, District- Bhojpur Petitioner/s
Versus

The State of Bihar, Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Singh, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 25-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bihiya P.S. Case No. 128 of 2024 for the offence punishable under Section 392 of the Indian Penal Code lodged on 26.04.2024 by the informant Sanjay Kumar.

3. As per the prosecution story, the informant alleged that when he was standing with his tempo at Buxar tempo stand, three unknown persons came, reserved the vehicle for Bihiya Mahthin Max Mandir, he gave rate as Rs. 1500/- for they ready to pay. As they reached near a petrol pump for refueling the tempo and crossed at Kateya Railway crossing, the accused persons stopped the tempo and committed 'mar-pit' and snatched Rs. 1200/- as also a mobile phone and later, fled away with the tempo. He, anyhow reached the police station after the FIR.

4. Learned counsel for the petitioner submits that the



auto has already been recovered from the Bihiya petrol pump, only because of criminal antecedent, he has been implicated. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the aforesaid submission put forward by the parties as also the fact that he has remained in custody since 14.05.2024 (para-1 of the petition), FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5000/- as undertaken by the learned counsel for the petitioner(s) to be paid to the informant by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Bhojpur



at Ara, in connection with Bihiya P.S. Case No. 128 of 2024
subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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