

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79032 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- MADHUBAN District- East Champaran

Bhola @ Akhlesh Kumar S/O Vishwanath Ram @ Vishnath Ram Resident of
village- Nanakaar Jogauliya, , P.S- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Madhuban P.S. Case No. 195 of 2024 registered for the alleged offence under Sections 392 of the Indian Penal Code.

03. As per prosecution case, two persons hired the e-rikshaw of the informant and at a deserted place, a person on a motorcycle reached there and they looted the e-rikshwa and Rs. 800/- in cash of the informant on gunpoint. The name of the petitioner transpired during investigation for also being involved in the robbery.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case at the instance of co-accused Arun Kumar Sahani, who is on inimical terms with the petitioner. Learned counsel further submits that nothing incriminating has been recovered from the person or possession of this petitioner and there is no material to show the involvement of the petitioner in the alleged occurrence. Learned counsel further submits that similarly placed co-accused person has been granted anticipatory bail by this Court vide order date 11.09.2024 passed in Criminal Misc. No. 57243 of 2024. The petitioner is in custody since 01.08.2024 and he is having clean antecedent. Charge-sheet has been submitted against the petitioner.

05. Learned APP for the State opposes the prayer for bail of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari/court



concerned in connection with Madhuban P.S. Case No. 195 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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