

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84031 of 2023

Arising Out of PS. Case No.-856 Year-2021 Thana- NAGAR District- Vaishali

AKASH KUMAR @ AKASH SON OF NARESH PASWAN @ NARESH
BHAGAT R/O VILLAGE- HATHSARGANJ, NAKA NO.3, P.S.- HAJIPUR
TOWN, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Rina Sinha, Adv.
For the State	:	Mrs.Sangeeta Sharma, APP
For the Opposite Party/s	:	Mr.Uday Pratap Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-06-2024 1. Heard the learned counsel for the parties and the
learned A.P.P. for the State.

2. The present petition is by way of second attempt, at
the behest of the petitioner, for grant of regular bail in
connection with S.Tr. No.250 of 2023, arising out of Hajipur
Town P.S. Case No.856 of 2021, registered for the offences
punishable under Sections 395, 397 and 412 of the Indian Penal
Code.

3. The case of the prosecution in brief is that on
23.10.2021 at about 6:50 p.m., four miscreants, armed with
pistols, had suddenly entered inside the shop of the informant
and upon gunpoint, they had looted 1.25 kg. gold ornaments,
valued at Rs.55 lacs, diamond jewellery, valued at Rs.40 lacs,



gold ornaments, worth Rs.77 lacs (1.75 kg.) and a sum of Rs.3 lacs. It is also alleged that the said miscreants had also taken away a sum of Rs.20,000/- from a customer as well as a gold chain, valued at a sum of Rs.90,000/- from the mother of the informant, who was present in the shop.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 10.01.2022, i.e. since about 2½ years and there is no progress, whatsoever in the aforesaid criminal case, pending before the Ld. Trial Court. It is further submitted that similarly situated co-accused person has already been granted bail, by a co-ordinate Bench of this Court, after he had renewed his prayer for bail, upon being rejected once, by an order dated 21.06.2023, passed in Cr. Misc. Case No.25499 of 2023. It is next submitted that the petitioner is ready to be imposed with such conditions as may be deemed fit and proper to be imposed for the purposes of grant of regular bail.

5. Per contra, the learned A.P.P. for the State has though vehemently opposed the prayer for bail but upon going through the case diary, has submitted that there is no eye witness to the alleged occurrence and the allegation has been levelled



against the petitioner on the basis of the confessional statement made by the co-accused persons.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that the petitioner is languishing in custody since about 2 ½ years and moreover, similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, apart from the fact that there is no eye witness to the alleged occurrence and the petitioner has been implicated in the present case on the basis of the confessional statement made by the co-accused persons, hence I deem it fit and proper to admit the petitioner to the privilege of regular bail, however subject to certain conditions.

7. Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Vaishali at Hajipur in connection with S.Tr. No.250 of 2023, arising out of Hajipur Town P.S. Case No.856 of 2021.

8. It is further directed that the petitioner would mark



his attendance before the Office-in-Charge of the concerned police station on each Monday of the week at 10:30 a.m., and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically and the petitioner shall be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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