

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84616 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Akhilesh Kumar Son of Prabhu Sah Resident of Village- Chandrahia, P.S.-
Motihari Mufasil, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Motihari Muffasil P.S. Case No. 360 of 2024, registered on 29.07.2024 for the alleged offences under Section 303(2) of BNS.

3. As per prosecution case, battery and diesel from the truck kept in the campus of the informant was stolen by unknown thieves. From the CCTV footage it transpired that the petitioner entered campus on the same day and did some recce and thereafter, theft was committed in the night.

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



case as nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner has not been put to any Test Identification Parade till date and he has been languishing in custody since 19.09.2024 merely on the basis of alleged footage of CCTV. The petitioner is having antecedent of two cases.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and period of custody of the petitioner, 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 Chief Judicial Magistrate, East Champaran, Motihari/concerned Court in connection with Motihari Muffasil P.S. Case No. 360 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 bonds of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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