

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18325 of 2025

Arising Out of PS. Case No.-530 Year-2021 Thana- DARIYAPUR District- Saran

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Akshay Kumar Rai, S/O Ganesh Ray @ Ganesh Rai @ Bhuteli Rai, R/O
Vill.- Ismailpur, P.S.- Garkha, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Dariyapur P.S. Case No. 530 of 2021 registered for the offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, two miscreants on a motorcycle intercepted the motorcycle of the informant who had been going to appear in B.Sc. Part-III examination and at gun point the miscreants snatched his mobile phone, Admit Card, wallet containing Pan Card, Aadhar Card, ATM and Driving Licence etc. They were joined by two more miscreants and while leaving, they took with them the motorcycle of the informant. The name of the petitioner transpired during investigation for being involved in the said occurrence.

4. Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR and he has no involvement in the alleged occurrence and nothing incriminating has been recovered from the person or possession of this petitioner. The name of the petitioner surfaced in this case on the basis of confessional statement of co-accused Rupesh Kumar Ray who has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.05.2022 passed in Cr. Misc. No. 6268 of 2022. Petitioner was not put to any Test Identification Parade. Even though the petitioner was arrested in Dariyapur P.S. Case No. 421 of 2022 and he has been remanded in the present case and three cases have shown against his criminal antecedent. Thus, the petitioner is having antecedent of four cases. Petitioner is in custody since 21.10.2024 and charge-sheet has been submitted. Another co-accused, namely Ankit Kumar has also been granted bail by a Co-ordinate Bench of this Court vide order dated 06.06.2022 passed in Cr. Misc. No. 7019 of 2022.

5. Learned A.P.P. 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 this petitioner and further considering the period of custody of the petitioner and submission



of charge-sheet and also considering the grant of bail to other co-accused persons, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Saran at Chapra/concerned court in connection with Dariyapur P.S. Case No. 530 of 2021, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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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