

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16926 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Akash Kumar Son of Shatrudhan Thakur Resident of village - Rajwara, P.S.-
Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-03-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks regular bail in connection with Kathaiya
P.S. Case No. 134 of 2024 dt. 07.07.2024 registered under
Section 308(5) / 317(2) of the B.N.S. & 25(1-B) a / 26 / 35 of
the Arms Act.

3. The prosecution case as per the F.I.R. is that on
07.07.2024 in the morning while the informant was going on his
Baleno car, two persons asked him to stop and when the
informant stopped the car, they entered into the car and asked
him on gun point to keep on driving. After some time, a swift
Dezire car having registration no. BR01HK2655 arrived there
and the informant was forcibly taken out of the Baleno car and
shifted in the Swift Dezire car and two persons sat on the



Baleno car and fled away with the car. Two persons sitting in the Swift Dezire car put a cloth around the eyes of the informant and snatched Rs. 1,60,000/- from the informant. Thereafter they pointed pistol on the head of the informant and asked the informant to arrange additional Rs. 1 lakh from his family members. The informant called his uncle and brother and requested them to bring Rs. 1 lakh near Motipur Kali Temple as instructed by the persons sitting in the Swift Dezire car. The informant's uncle and brother arrived there and kept Rs. 1 lakh in the Swift Dezire car and when the informant asked about his car they told him to come along with them to take back his car and started fleeing away. The informant somehow pulled the hand brake of the car and started shouting. Both the persons sitting in the Swift Dezire car got down from the car and tried to flee away but one of them was caught while the other succeeded in fleeing away dropping the magazine, pistol and mobile. The local people gathered there and police was informed. The apprehended person disclosed his name as Dipak Kumar and also disclosed the name of his associates as co-accused Bipindra Kumar, Akash Kumar (petitioner) and Kamal Kishore.

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



due to ulterior motive. He further submits that the petitioner was residing in Assam at the time of occurrence. He further submits that the petitioner is in custody since 21.12.2024 and charge sheet has been submitted against him as such there is no likelihood that the petitioner will abscond and / or tamper with the evidence.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the petitioner is a habitual offender inasmuch as two criminal cases are pending against him.

6. Regard being had to the submissions made by the parties, taking into consideration the nature of allegation and the criminal antecedents of the petitioner, I am not inclined to grant regular bail to the petitioner. The same is rejected.

7. However, the petitioner may renew his prayer for regular bail after six months from today if the trial does not show any substantial progress.

(Anil Kumar Sinha, J)

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