

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21987 of 2025

Arising out of PS. Case No.-337 Year-2023 Thana- TAJPUR District- Samastipur

Akshay Kumar @ Akshay Sharma, S/o Yadunandan Sharma, R/o Village-
Akhtiyarpur Khajuri, Chak Ahleder, P.S.- Ghatho, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s: Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Tajpur P.S. Case No. 337 of 2023 instituted for the offences under Section 392 of the Indian Penal Code. He has five criminal antecedents, i.e., (i) Ujiyarpur P.S. Case No. 139 of 2023 under Section 392 of Cr.PC. (ii) Sarairanjan P.S. Case No. 185 of 2023 under Section 392 of IPC (iii) Ujiyarpur P.S. Case No. 215 of 203 under Sections 399, 402 and 414 of IPC (iv) Sarairanjan P.S. Case No. 50 of 2022 under Section 392 of IPC (v) Vidyapatinagar P.S. Case No. 94 of 2023 under Section 395 IPC.

3. The allegation as per the *fardbeyan* of the informant is that three unknown miscreants who were on the motorcycle chased and intercepted the informant and on the gun point



looted his motorcycle, mobile phone, cash of Rs. 9,204/- and purse containing PAN Card and Aadhar Card.

4. It is submitted by learned counsel for the petitioner that the petitioner is not named in the First Informant Report and the petitioner has falsely been implicated in this case and also no incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted by learned counsel for the petitioner that the the similarly situated co-accused person namely Kundan Kumar has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 18.04.2025 passed in Cr. Misc. No. 27133 of 2024. It is also submitted by learned counsel for the the petitioner that till date no Test Identification Parade has been done and the petitioner is in custody since 08.07.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner is having five criminal antecedents and is accused in three similar nature of offences.

6. Considering the aforesaid submissions of respective counsel and taking into account the fact that the petitioner is not named in the First Information Report and till date no Test Identification Parade has been done and also similarly situated



co-accused person has been granted bail by a Co-ordinate Bench of this Court as well as the petitioner is in custody since 08.07.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Tajpur P.S. Case No. 337 of 2023, subject to the 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, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail



of the petitioner.

(v) And further condition that the court below shall verify the criminal antecedent of the petitioner except above-mentioned five cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these five cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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