

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23947 of 2017

Arising Out of PS.Case No. -251 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sunil Kumar @ Sunil Kumar Sah, Son of Late Baijnath Sah, Resident of
Village-Bhagwanpur Semra, P.S.-Paru District-Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Kalyanpur
P.S. Case No. 251 of 2016 registered for the offence punishable
under Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he works under one Deepak Kumar Singh since last five years
whose family resides in Mumbai and on 10.12.2016 when the
driver Pramod Kumar Rana took out tractor along with trailer
loaded with sugarcane and when he went to attend the nature's call
and came back, he found the tractor and trailer traceless.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and bears no criminal history. It is further submitted that he is in custody since 03.01.2017 and on the basis of his confessional statement before the police, which has no evidentiary value in the eye of law, he has been made accused. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that trailer, which had been recovered from the back side of his house, covered with straw, had not been put by him and nothing has been recovered from his possession.

However, learned counsel appearing on behalf of the informant submits that the trailer was recovered from the back side of the house of the petitioner and he has confessed his guilt, hence, opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-9, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 251



of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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