

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6888 of 2022**

Arising Out of PS. Case No.-405 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

Sujit Kumar Son of Late Dudhnath Yadav R/O Village- Lakhraw, P.S.- Siwan
Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 29-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Siwan
Muffasil P.S. Case No. 405/2021 registered for the offences
punishable under Sections 461/379/411 of the Indian Penal
Code.

As per prosecution case, there is a godown of the
informant near Shiv Mandir, Lakhraun, in which complete set of
Machine, Mixer, Stabilizer, Light were kept. On 23.08.2021 at
night, thieves have stolen the above articles. It is further alleged
that on 24.08.2021, when the informant came at his godown,
then he saw that lock of his godown was broken thereafter



people of the vicinity came and saw the spot and thereafter, hectic search was made, but no any theft articles were traced out.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence, but he has falsely been implicated in this case merely on suspicion. The petitioner is not named in the FIR, no T.I. Parade till date and nothing has been recovered from the possession, but merely on suspicion he has been remanded from the Siwan Muffasil P.S. Case No. 404/2021 and he has been made accused on the basis of his confessional statement. He further submits that the petitioner has been made accused in one after another case on the basis of suspicion. The petitioner is in custody since 20.09.2021 and the petitioner bears criminal antecedent of three cases. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence. The two co-accused persons have already been granted bail by the learned court below itself.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nothing has been recovered from the



possession of the petitioner, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named 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 learned C.J.M., Siwan in connection with Siwan Muffasil P.S. Case No. 405/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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