

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14101 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Manoj Kumar Sah, Son of Mishri Sah, Resident of Village- Belwa, Police
Station- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwari, Advocate

Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Dhananjay Kumar Tiwari, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Dumariyaghat P.S. Case No. 12 of 2022
registered for the offences punishable under Sections 414, 420,
467, 468, 379/34, 120(B) of the Indian Penal Code.

As per prosecution case, it is alleged that six F.I.R.
named accused persons after committing theft of a truck laden
with sugar bag brought in the village and were trying to sell it to
other traders. The police conducted raid and different number of
bags of sugar were recovered from various persons including



this persons and on search being made total 65 bags of Sugar was recovered from the shop/godown of the petitioner, which is alleged to have been purchased on half of the price.

It is submitted by the learned counsel appearing on behalf of the petitioner that prima-facie from the F.I.R., it is evident that there is no allegation of theft of Sugar bags against this petitioner, rather it is alleged that the recovered 65 bags of Sugar have been purchased on a half price from the market. It is next submitted that the petitioner is not named in the F.I.R. and his name transpired on the disclosure made by other co-accused persons. It is also submitted that this petitioner runs a grossery shop and purchased the said Sugar from a valid vendor and in support of his submission, G.S.T. bill has been brought on record by way of Annexure-2 to this petition. It is next submitted that save and except suspicion, there is nothing against this petitioner and he is in custody since 23.01.2022 having clean antecedent, though the investigation of the crime is already completed and the charge sheet has been submitted in this case.

On the other hand, learned APP for the State opposes the bail application and submits that stolen sugar bags have been recovered from the shop of the petitioner.



Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation as also the period of custody, apart from the fact the investigation of crime is already completed and the charge sheet has already been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 12 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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