

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14918 of 2022

Arising Out of PS. Case No.-684 Year-2020 Thana- SIKARPUR District- West Champaran

CHUNNU ALAM @ CHUNNU MIYAN @ CHUNNA ALAM Son of
Hadish Miya @ Hadish Alam Resident of Village - Bada Tuniya, P.s.-
Manuapool, Distt.- West Champaran Currently Residing at Bhola Tola, Ward
No.6, P.s.- Chanpatiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sourav Suman

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Shikarpur P.S Case No.

684 of 2020 registered for the offence punishable under Section

379 of the Indian Penal Code.

As per FIR informant's motorcycle was stolen from

the gate of a temple where he had parked the motorcycle and the

FIR was lodged against unknown person.

The main submissions advanced by Sri Sourav

Suman learned counsel appearing for the petitioner are that

petitioner has been languishing in jail for the last about nine

months, after his arrest in present case stolen motorcycle or any



other incriminating material was not recovered from his possession and he has been dragged in this case on the basis of confessional statement of co-accused which has no evidenciary value, against the petitioner several cases have been shown as his criminal antecedent and he is now on bail in the said cases as per present information.

Sri Md. Matloob Rab, learned APP appearing for the State has opposed the prayer for bail and submitted that petitioner is a habitual criminal in stealing motorcycle as such he does not deserve privilege of bail.

In view of the above submissions and mainly considering petitioner's custody period and also his defence as to the alleged stolen motorcycle has not been recovered from the possession of the petitioner and the said defence has not been refuted by learned APP , in the opinion of this Court a lenient approach can be taken in respect of the petitioner, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah in Shikarpur P.S Case No. 684 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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