

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21961 of 2022

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

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Shyam Kishor Prasad @ Shyam Bihari Prasad S/O Sheojee Mahto Resident
Of Village- Bhawanipur, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Mishra, Advocate.
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Let the defects, if any, be removed within four weeks from
today.

Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Dumariyaghat P.S.Case No. 12 of 2022 for the offences
punishable under Sections 414, 420, 467, 468, 379/34 of the Indian
Penal Code.

As per the prosecution case, it is alleged that six FIR
named accused persons after committing theft of a truck laden with
sugar bags 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 petitioner.
It is alleged that on search being made total 27 bags of Sugar was



recovered from warehouse of the petitioner, which is alleged to have been purchased on half of the price.

Learned senior counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR. However, during course of investigation, the police conducted the raid of warehouse of the petitioner and on search being made total 27 bags of sugar, has been recovered from the warehouse. It is evident from the FIR, that the bag of sugar recovered from the warehouse of this petitioner. Save and except, the allegation that he has purchased 27 bags of sugar on half of the price, there is no other material. It is submitted that the petitioner is reputed businessman and the alleged recovered sugar have been purchased from the valid licence are not stolen property. It is next submitted that other co-accused persons having similar allegation, namely, Manoj Kumar Sah, has been granted bail in Cr. Misc. No. 14101 of 2022 vide order dated 18.07.2022 by this Court. It is lastly submitted that the petitioner is in custody since 22.01.2022, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that co-accused persons have been identical allegation have been granted bail by this Court and moreover, there is no allegation of theft of sugar bags against the petitioner apart from that investigation has been completed and the



charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari East Champaran 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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