

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28500 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- SITAMARHI District- Sitamarhi

SANNI SHARRAF @ SANNI KUMAR S/O SHANKAR PRASAD
RESIDENT OF VILLAGE- NUNIYA TOL @ JANAKI ASHTHAN DAL
DALI MOHALLA, P.S.- SITAMARHI, DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-07-2022 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 regular bail in connection with Sitamarhi P.S. Case No. 112 of 2022 registered for the offences punishable under Sections 379, 414, 506/34 of the Indian Penal Code.

As per prosecution case, the driver of truck, owned by the informant, was sleeping in the truck and during that time his Samsung Mobile No. 8207541324, Jug, Rinch and Rs. 1000-1200/- kept in the dashboard were stolen away from the said truck, hearing some noise outside the vehicle the driver wake up and came out and saw that 4-5 persons were fleeing away. The driver



raised alarm and one of the accused persons was caught by the Mohalla people who disclosed his name as Vikki Kumar. On search the stolen mobile and cash of Rs. 1200/- was recovered from the possession of the apprehended person and on query the apprehended person disclosed the name of Sanni Sharraf (petitioner) and others.

Learned counsel for the petitioner submits that petitioner is in custody since 15.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that from the truck of informant Samsung Mobile, Rinch, Rs. 1000-1200/- kept in dashboard was stolen and the stolen articles were recovered from the possession of co-accused Vikki Kumar and the apprehended co-accused disclosed the name of the present petitioner. Nothing has been recovered from the possession of the petitioner or his house. The name of the present petitioner has been transpired in this case only on the basis of confessional statement of apprehended person except that there is nothing against the petitioner.

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, keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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., Sitamarhi in connection with Sitamarhi P.S. Case No. 112 of 2022, 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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