

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34588 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- HULASGANJ District- Jehanabad

SUNIL KUMAR S/o Late Amirak Sao Resident of Village-Islampur, P.S.-
Islampur, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Sharma

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-07-2022 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 bail in connection with
Hulasganj P.S. Case No. 61 of 2022 registered for the offences
punishable under Sections 379, 411/34 of the Indian Penal
Code.

Briefly stated fact of the prosecution case is that
co-accused Md. Ashraf has confessed that he had purchased 28
kg. solar battery from the two apprehended co-accused Ankit
Kumar and Anshu Kumar which was sold to the present
petitioner at Islampur.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner. There is neither allegation of committing theft nor there is allegation of recovery of suspected stolen article from the possession of the petitioner. In this way the alleged occurrence is not attracted against the present petitioner.

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

Considering the facts and circumstances of the case, period of custody, nature of allegation, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case 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 Smt. Priyanka Kumari, Judicial Magistrate, 1st Class, Jehanabad in connection with Hulasganj P.S. Case No. 61 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 without appropriate permission, 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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