

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30997 of 2022

Arising Out of PS. Case No.-738 Year-2021 Thana- MADHAURAH District- Saran

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SUNIL KUMAR Son of Sawaliya Sah Resident of Village - Mubarakpur, P.s.-
Morhowrah, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-07-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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 petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Madhaura
P.S. Case No. 738 of 2021 registered for the offences
punishable under Sections 395 and 412 of the Indian Penal
Code.

Briefly stated fact of the prosecution case is that the
informant runs a medical store at his house and on 23.12.2021 at
about 12:00 pm while the informant was sleeping along with



other family members, three unknown persons committed theft of Rs. 2 lakh besides some ornaments and clothes after breaking the lock of the main gate and the informant could not raise alarm out of fear of assault.

Learned counsel for the petitioners submits that FIR has been lodged against unknown and petitioner is not named. Learned counsel for the petitioner further submits that during the course of investigation, name of the petitioner has surfaced on confessional statement of co-accused Dablu Singh. No incriminating article has been recovered from the possession of the petitioner. Petitioner is the owner of an ornament shop at Mubarakpur Bazar and on the request of wife of Dharmendra Nut, he purchased gold ornaments and issued bona-fide bills for that transaction about which later on he learnt that the ornaments were theft article and for that he was implicated in Baniyapur P.S. Case No. 522 of 2021 under Section 395, 397 of the Indian Penal Code as described at paragraph no. 3 of this application. He further submits that as per seizure list, Hard Disk and CCTV were recovered from possession of petitioner which did not tally with the stolen article. Petitioner is in custody since 04.04.2022 and bears criminal history of one case. Charge sheet has been submitted in the case and there is no



likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, petitioner is not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, District- Saran in connection with Madhaura P .S. Case No. 738 of 2021, 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) Petitioners 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 petitioners tamper 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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