

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29829 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- KHAJANCHI HAT District- Purnia

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SURAJ SARKAR SON OF LATE ANIL SARKAR R/O- MILKI WARD
NO.11 P.S.- K. HAT (MARANGA), DIST.- PURNEA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mrs.Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 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 K.Hat
(Sahayak) P.S. Case No. 328 of 2021 registered for the offences
punishable under Sections 379, 411 of the Indian Penal Code.

As per prosecution case, in the night of
10.04.2021 the informant after parking his motorcycle in front
of clinic went to meet the relative. In the morning, the informant
saw that his motorcycle was not present there. The FIR has been
lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and the FIR has been



registered against unknown. He further submits that petitioner has been arrested in K. Hat (Maranga) P.S. Case No. 786 of 2021 and his confessional statement has been recorded by the police and petitioner is remanded in this case from K. Hat (Maranga) P.S. Case No. 786 of 2021 on 13.12.2021 and since then he is languishing in judicial custody. Petitioner bears criminal antecedent of four cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has no concern with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has not been put on TIP.

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, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in



connection with K.Hat (Sahayak) P.S. Case No. 328 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) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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