

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36204 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- BIHIA District- Bhojpur

Sunny Singh S/o Upendra Singh R/o Village- Pakri, P.S.- Krishnagarh,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-10-2022 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 Bihiya
P.S. Case No. 324/2021 registered for the offences punishable
under Section 395 of the Indian Penal Code.

As per prosecution case, the informant's Samsung
mobile and Rs.38,500/- have been looted by unknown
miscreants on the point of pistol.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to village rivalry. The petitioner is not named in the
FIR. During course of investigation, the name of petitioner



transpired in this case on the basis of confessional statement of co-accused, Chandan Gond and Chotu Kumar. The petitioner is languishing in custody since 10.10.2021 and bears criminal antecedent of two cases in which he is on bail. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has not put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides, charge sheet has already been submitted in this 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Bhojpur, Ara in



connection with Bihiya P.S. Case No. 324/2021, 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 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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