

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34603 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- DIGHWARA District- Saran

SUNIL RAI Son of Late Paras Rai R/o Village - Ahiman Patti, P.S.-
Dighwara, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The case is registered under Sections 341, 323, 33,
385, 504, 506/34 of the Indian Penal Code in connection with
Dighwara P.S. Case No.148 of 2022.

As per the prosecution story on suspicion, the
informant stopped the truck near four-lane and as he was not
carrying '*chalan*' for the sand he was apprehended. The further
allegation is that in the meantime accused persons came and
threatened to leave the truck. However, he was
apprehended/arrested and the FIR was lodged.

Learned counsel for the petitioner submits that he
being a driver had no knowledge of the illegal carrying of the



sand and was only asked to transport it from one destination to other for which he has already suffered despite the fact that he has no criminal antecedent.

Taking into account the aforesaid facts as also that he is in custody since 08.05.2022 and has no criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Dighwara P.S. Case No.148 of 2022 to the satisfaction of learned A.C.J.M.,IX, Chapra, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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