

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39255 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- CHANPATIA District- West Champaran

ADARSH KUMAR SINGH SON OF ARBIND KUMAR SINGH R/O
VILLAGE- BIJULPUR, P.S.- TURKAULIA, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Chanpatiya P.S. Case No. 184 of 2022 registered for the
offences punishable under Sections 420, 406, 381, 120(B) of the
Indian Penal Code.

As per prosecution case, petitioner being driver
cum owner of pickup van loaded vermicelli on his pickup van
and went to Bagha and unloaded the same at the shop of Mikki
and Sudhir. Thereafter Mikki gave Rs. 1,00000/- and Sudhir
gave Rs. 83,750/- to petitioner and he was returning to Bettiah
with the said money. It is further alleged that someone snatched
the said money from the petitioner and when it was asked



regarding the said money petitioner did not give any satisfactory answer to the question as alleged in the FIR and was constantly changing his statement.

Learned counsel for the petitioner submits that petitioner is in custody since 23.04.2022 and bears no criminal antecedent. He further submits that petitioner had not taken Rs. 1,84,000/- and only Rs. 22,000/- was given to the petitioner by Mikki and Sudhir. He further submits that it is highly improbable that huge amount as alleged in the FIR was given to driver of pickup van which is pragmatically and prudently cannot be possible. Charge sheet has been submitted in the 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 keeping in view the amount alleged in the FIR against the petitioner.

Considering the facts and circumstances of the case, period of custody, 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, argument advanced on behalf of both sides 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, West Champaran, Bettiah in connection with Chanpatiya P.S. Case No. 184 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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