

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45467 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SUGAULI District- East Champaran

ARVIND KUMAR SON OF DOMA RAM @ HARENDRA RAM R/O
VILLAGE- CHOURAHA, P.S.- MUFFASIL BETTIAH, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 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 Sugauli
P.S. Case No. 14/2022 registered for the offences punishable
under Section 379 of the Indian Penal Code.

As per prosecution case, the driver of tractor alongwith
sugarcane owner concertedly robbed the tractor of the
informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR. The name of
petitioner transpired in this case on the basis of confessional



statement of co-accused Pradeep Ram. The petitioner was remanded in this case from Paharpur P.S. Case No. 18/2022 on 12.04.2022 since then he is rotting in jail in the present case. The petitioner bears criminal antecedent of 05 cases. Neither incriminating article nor stolen tractor has been recovered from the conscious possession of the petitioner. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Anil Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.42039/2022 and the case of present petitioner stands on similar footing.

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, co-accused has already been granted bail, 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, as submitted 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 Additional Chief Judicial Magistrate-VIth, East Champaran in connection with Sugauli P.S. Case No. 14/2022, 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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