

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45603 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- LAURIA District- West Champaran

ARVIND KUMAR SON OF DOMA RAM @ HARENDRA RAM R/O
VILLAGE- CHOURAHA, P.S.- MUFFASIL BETTIAH, DIST.- 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.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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
Lauriya P.S. Case No. 10 of 2022 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, the informant loaded
sugarcane at Pakari Centre and proceeded for Hari Nagar Sugar
Mill. At Baswariya Chowk in front of Masque (Masjid) the tire
of trailer got puncture. It is further alleged that the informant
slept on the Engine seat and at 10:30 PM 3-4 miscreants came
on a Pickup van and forcibly boarded the informant inside the



pickup van. It is further alleged that miscreants also took away the Engine of the tractor. The miscreants left the informant between Sukat Chowk to Chuhari Road and fled away.

Learned counsel for the petitioner submits that petitioner is in custody since 23.03.2022. Petitioner bears five criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has been transpired during course of investigation on the basis of confessional statement of co-accused Pradeep Kumar in Sugauli P.S. Case No. 14 of 2022. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article as well as stolen engine has been recovered from the conscious possession of the petitioner. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in the present case merely on suspicion. Petitioner in a routine manner just because of criminal antecedent has been made accused one by one in one case after another.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, nothing has been recovered from the conscious possession of the petitioner as submitted, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate – I, West Champaran at Bettiah in connection with Lauriya P.S. Case No. 10 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.

(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.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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