

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48390 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- ADAPUR District- East Champaran

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TUNNA KUMAR SINGH S/O LATE SUNDERDEO SINGH @
SUNRADEV SINGH Resident of village- Bishunpurwa, Ward No- 07, P.S.-
Adapur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2022 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 Adapur
(Nakardei) P.S. Case No. 169 of 2022, G.R. Case No. 573 of
2022 registered for the offences punishable under Sections 379,
413, 414 and 34 of the Indian Penal Code.

As per prosecution case, informant alongwith other
co-villager Dular Chand Yadav was returning from Barat
procession to his village on Apache motorcycle. While he was
waiting for co-barati near Batwari Mai Sthan Bhawanipur
Market he took a nap on a chabutra. When he woke up he found



that his motorcycle was missing. During the course of search he got information that eight miscreants riding on four motorcycles including his stolen motorcycle were coming to Adapur via Raxaul-Adapur canal road. They informed the police and reached Nakardei chowk where he saw two persons were riding on his stolen Apache motorcycle. There were six other miscreants riding on three motorcycles. When informant and others tried to stop miscreants they tried to flee away. They were chased by police and four miscreants including the petitioner were apprehended alongwith three motorcycles and four miscreants alongwith one motorcycle were succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2022. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that name of present petitioner has been transpired in the present case only on the basis of suspicion. Petitioner is quite innocent and has not committed any offence as alleged against him in FIR. He further submits that co-accused Ampu Kumar, Bhim Kumar Sah and Rishi Muni Paswan have already been granted bail vide Cr.



Misc No. 46040 of 2022 and Cr. Misc No. 46638 respectively by this court 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 petitioners.

Considering the facts and circumstances of the case, period of custody, co-accused have been granted bail, keeping in view clean antecedent, 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 petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M , Raxaul, East Champaran in connection with Adapur (Nakardei) P.S. Case No. 169 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)

vashudha/-

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