

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22077 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- MAJHAULIA District- West Champaran

Sunny Kumar Sharma @ Sunny Sharma @ Sunny Kumar Son Of Munnilal
Sharma Resident Of Village-Dhumnagar, Police Station- Nautan ,District
West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Partt

Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Majhauria P.S. Case No. 54 of 2022 dated 20.01.2022, instituted for the offences punishable under Sections 395, 397 of the Indian Penal Code.

3. The prosecution case in short is that on 19.01.2022, driver of the informant namely Manir Ansari went to Majhauria Chini Mill on tractor and on the way he was stopped by three unknown miscreants on gunpoint. Accused persons cut the engine of the tractor and fled away with it along with his mobile phone. It is further alleged that the driver stated that they were talking among themselves that inform to Sunny and Vikash that the work is done. The informant got the said incident from



Manir Ansari who had given information through mobile.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner. It is further submitted that no Test Identification Parade has been conducted till now. Further, it is submitted that on the basis of confessional statement of other co-accused and also because of his criminal history the petitioner has been made accused in this case. Lastly, it has been submitted that the petitioner is in custody since 10.05.2022, has five criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, District-West Champaran in Majhauria P.S. Case No. 54 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

(Khatim Reza, J)

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