

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27196 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

Sushil Kumar @ Kundan Kumar, Male, Aged about 23 Years, Son of Sudarshan Rai, Resident of Village - Koila Belwa, P.S. - Chakia, Distt. - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Chakia P.S. Case No. 213 of 2022 dated 26.05.2022, instituted for the offence punishable under Section 395 of the Indian Penal Code.

3. Allegation is of looting of jewellery shop and firing on the informant and his brother by unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not named in the F.I.R.. The name of the petitioner transpired in this case only on the basis of confessional statement of co-accused, namely, Vivek Kumar who is the son of Nawal Kishore Ray. In



paragraph 72 of the case diary, it is specifically stated that the said 1 Kg silver like substance was recovered from the possession of Mukund Ji @ Vivek Kumar not from the possession of the petitioner. No incriminating articles have been recovered from the possession of the petitioner. Till date, no Test Identification Parade has been conducted. Lastly, it has been submitted that the petitioner is in custody since 19.10.2022 charge-sheet has been submitted in the case and he has one criminal case against him.

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, East Champaran, Motihari in Chakia P.S. Case No. 213 of 2022, subject to the following conditions:-

(1) 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.

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

(3) 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.

(4) 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)

Gaurav Kumar/-

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