

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26430 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- KOTWA District- East Champaran

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Suman Kumar Singh Son Of Late Janardhan Singh Resident Of Village-
Fultakiaya, Ps- Kesasriya, Distt- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Pandey, Advocate
For the Opposite Party : Mr. Dr. Indihar Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kotwa P.S. Case No. 55 of 2022 dated 22.02.2022, instituted
for the offences punishable under Sections 379 of the Indian
Penal Code.

3. The prosecution case, in short, is that on
21.02.2022, the informant parked his vehicle near Diapu
Petrol Pump and went to attend nature's call and when he
returned he did not find his vehicle there, then he filed F.I.R.
against unknown persons.

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 F.I.R. has been lodged against unknown persons and the petitioner has been made accused in this case only on the basis of confessional statement of co-accused, namely, Sunny Kumar, who has already been granted bail by a Co-ordinate Bench of this Court *vide order dated 09.12.2022* passed in *Cr. Misc. No. 47434 of 2022*, which is annexed as 'Annexure-2', in this bail petition. Lastly, it has been submitted that the petitioner is in custody since 11.04.2022, has one case 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 C.J.M. Motihari, East Champaran in Kotwa P.S. Case No. 55 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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