

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32693 of 2022

Arising Out of PS. Case No.-4 Year-2016 Thana- NAURANGIA District- West Champaran

Sunil Jaiswal @ Sunil Kumar Jaiswal, Son of Kasturi Resident of Village -
Paikoli, P.S. - Bhaluahi, District - Deoria, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Naurangiya P. S. Case No. 04 of 2016, registered for the
offence punishable under Section 392 of the Indian Penal
Code.

The prosecution story as emerges from the FIR is
that petitioner along with his associates looted the vehicle of
the informant after assaulting the driver.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner is not named in



the F.I.R. and his name has transpired in the confessional statement of one of the co-accused Adya Kewat, who has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 29.08.2022, passed in Cr. Misc. No. 41903 of 2021. He also submits that the Test Identification Parade has yet not been conducted.

He further submits that the petitioner has been languishing in jail since 03.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. S.D.J.M.,
Bagha, West Champaran in connection with Naurangiya P. S.
Case No. 04 of 2016 on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has criminal antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing him and getting satisfied that
the petitioner has concealed his criminal antecedents despite
his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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