

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35940 of 2023

Arising Out of PS. Case No.-378 Year-2022 Thana- LADANIA District- Madhubani

SONU KUMAR MUKHIYA @ Sonu Kumar @ Sonu Mukhiya son of Binod
Mukhiya Village- Korahiya Ps- Jainager Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023 Heard Ms. Kumari Pallavi, earned counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with
Ladaniya P.S. Case No. 378 of 2022 registered for the offences
under section 392 of the Indian Penal Code lodged on
13.12.2022 by the informant, Pramod Kumar.

The prosecution case, in brief, is that, the present case
was registered on the written report of the informant alleging
therein that he is running a CSP of Punjab National Bank. On
13/12/2022, he opened his CSP and at about 2:30 P.M., he came
to Punjab National Bank and withdrawn Rs. 4,12,000/- and kept
in 'Dicky' of motorcycle and some other papers also. As he
proceeded for Piprahi at about 4:30 P.M., on the way, one
Jaynarayan Paswan met him. When the informant reached near



NH104, one Apache motorcycle without number plate arrived there and became very close to him and snatched the key of motorcycle. Two culprits pointed pistol upon him. Due to fear his friend, Jay Narayan Paswan escaped. Thereafter, they took away Rs. 42,000/- from his Dicky and fled away towards Ladaniya. Accordingly, the FIR.

Ms. Kumari Pallavi, learned Counsel for the petitioner submits that although in the bail petition, two criminal antecedents have been incorporated, subsequently it has been informed by the family members of the petitioner that the petitioner actually has clean antecedent.

The further submission is that police force can took confessional statement and despite being in custody since 05.02.2023 (as stated in paragraph 13 of the bail application), no T.I. Parade has been done nor anything recovered from him.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that allegation against the accused persons including this petitioner is of decamping with Rs. 4,12,000/-.

Considering the fact that despite being in custody, no T.I.Parade has been made, as per the submissions put forward by the learned Counsel for the petitioner on the basis of



information she received that the petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Madhubani in connection with Ladania P.S. Case No. 378 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

Before parting, the Court would like to put on record its word of appreciation for Ms. Kumari Pallavi, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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