

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40689 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- SUGAULI District- East Champaran

PUNDEO SINGH @ PREM CHANDRA KUMAR @ PREM KUSHWAHA
Son of Bali Ram Singh Resident of village-Parsurampur Bhataha ward no.-1,
P.S.-Sugauli, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Sugauli P.S. Case No. 120 of 2022 registered for the offences under section 392 of the Indian Penal Code and subsequently section 395 of the IPC was added lodged on 28.02.2022 by the informant, Abdul Salam.

The case of the prosecution, in brief, is that on 28-02-2022 at about 09:00 o'clock, the informant, who is parts manager in Hero Showroom, Sugauli along with one staff was going to Ujjivan Bank to deposit Rs.7,00,000/- on motorcycle. In the way, near Station Chowk Pool, three unknown persons on three white Apache motorcycle came and dashed the informant and thereafter, on the point of pistol, looted the bag of informant containing cash Rs.7,00,000/-, ATM, cheque book, etc.



Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that his name has come subsequently during the confessional statement of co-accused, Raushan Kumar Singh but despite being in custody since 09.05.2023 (as stated in paragraph 14 of the bail application), neither T.I.Parade has been done nor anything incriminating recovered from his personal possession. Further, if granted bail, will abide by all the terms and conditions.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come in the confessional statement.

Considering the fact that despite being in custody, no T.I. Parade or anything incriminating recovered from his possession, is in custody since 09.05.2023, will ultimately face the trial, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 120 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.

(Rajiv Roy, J)

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