

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43030 of 2023

Arising Out of PS. Case No.-507 Year-2021 Thana- CHHATAUNI District- East Champaran

SUNDAN KUMAR @ SANJIV KUMAR son of Bala Lakhindra Ram
Village- Bara Bariyarpur Parsa Bazar Ps- Chhatauni Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-09-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Chhatauni P.S. Case No. 507 of 2021 registered
for the offence punishable under Sections 458, 380, and 34 of
the Indian Penal Code.

3. As per the prosecution case, some persons have
taken away some articles such as wires, conductors etc. from the
godown, in the wee hours. They have taken it away in a truck.

4. The learned counsel for the petitioner submits that
in investigation, three persons were arrested, who in their
statement have stated that the petitioner was their friend. On
such basis, the petitioner faces threat of arrest. The submission
is that he has one antecedent under section 392 of I.P.C, but in



the said case, he is on bail. The statement of the co-accused recorded in custody has no sanctity in law. Nobody has seen the petitioner at the place of occurrence, though it is stated that the guards were present at the time the articles were being loaded in the truck.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond 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 at Motihari in connection with Chhatauni P.S. Case No. 507 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors
will be a close relative of the petitioner



who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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