

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56040 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- KOTWA District- East Champaran

SONU KUMAR SON OF UMESH SAH RESIDENT OF VILLAGE-
SEMRA, PS- CHAKIA, DIST- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Kotwa P.S. Case NO. 185 of 2023 registered under Sections 392 of the Indian Penal Code lodged on 16.05.2023 by the informant, Pankaj Thakur.

As per the prosecution story, the informant alleged that while he along with his colleague doing work at Caspur Micro Credit Branch, accused persons came and looted Rs. 25,000/- as also six mobile phones and Rs. 1,231/-, confined them in a room and then escaped. This followed the FIR.

The case of the petitioner is that he is not named in the FIR and the name has come in course of investigation and is in custody since 15.05.2023 (as stated in paragraph-11 of the



petition) but no Test Identification Parade nor any looted article has been recovered from his possession.

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner that despite he being in custody since 25.05.2023 no Test Identification Parade has been conducted and there is no recovery from his possession, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 185 of 2023 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months 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.

(Rajiv Roy, J)

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