

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 55715 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- DHAKA District- East Champaran

SUNIL KUMAR SON OF LATE NARESH RAI RESIDENT OF VILLAGE
-CHATURASHI, PS- SIWAIPATI, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in custody in connection with Dhaka P.S. Case No. 299 of 2023 for the offence under sections 414, 420, 467, 468 and 34 of the Indian Penal Code and 25(i)(b) (a), 26, 35 of Arms Act lodged on 07.06.2023 by the informant, Mukesh Chandra Kumar.

3. As per the prosecution story, upon confidential information, the Police intercepted five motorcycles and ultimately succeeded in apprehending three of it with five persons while the rest managed to escape. Upon search of the persons, so far as this petitioner is concerned, number of ATM cards of different Banks were recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is



a student, has been implicated in this case, nothing to do with the alleged recovery, has already suffered by being in custody since 08.06.2023 (as stated in paragraph 15 of the petition) and do not have criminal antecedent.

5. The last submission is that some of the co-accused have since been released on bail vide Cr. Misc. No. 55640 of 2023 (Guddu Kumar Rajak vs. the State of Bihar).

6. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

7. Taking into account the submissions put forward by the learned counsel for the petitioner as also that he is in custody since 08.06.2023, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Dhaka, East Champaran, in connection with Dhaka P.S. Case No. 299 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 the 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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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