

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73812 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- KALYANPUR District- Samastipur

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SUMIT KUMAR S/O RAM CHANDRA MAHTO R/o village- Basudeopur,
P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 76 of 2023 registered for the offences punishable under Section 379 of the Indian Penal Code.

3. As per prosecution case, on 14.03.2023 the informant parked his motorcycle on the road side and went to answer the call of nature. When the informant returned, he did not find his motorcycle there. Hence, FIR has been registered against unknown.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation name of petitioner has been surfaced in this case in the confessional statement of co-accused Suraj Kumar. Except



the confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 08.05.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 76 of 2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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