

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72349 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- PIPRAKOTHI District- East Champaran

SUNNY KUMAR Son of Vinod Prasad R/V- Chintamanpur Bazar, P.S- Pipra,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Pipra Kothi P.S. Case No.28 of 2022 instituted under Section 379 of the IPC lodged on 25.01.2022 by the informant Kunal Patel.

As per the prosecution story, the driver parked the truck and after locking it, went to sleep in his house and in the morning, found the truck to be missing. Accordingly, the FIR.

It is the case of the petitioner that only because of his criminal antecedent, he has been dragged in this case, nothing incriminating has come against him and there is no eyewitness to the occurrence and is in custody since 08.04.2022 (para-13 of the petition).

In this case, earlier a coordinate bench had called for case diary on 20.03.2023 which has since been received and



learned APP submits that he was seen at the place of occurrence, however, the C.C.Tv footage has not given a clear vision.

Considering the submissions put forward by the rival parties, the petitioner is in custody for almost one and half year (08.04.2022) will be appearing in trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Pipra Kothi P.S. Case No.28 of 2022 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, subject to 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 a 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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