

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74981 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KOTWA District- East Champaran

SOIDUL KHAN SON OF ABDUL SATTAR R/O VILLAGE- A-195A
VANTIKA SECTOR NO.2, ROHINI, P.S.- VIJAY BIHAR DISTRICT-
WEST ROHINI (STATE-DELHI)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kotwa
P.S. Case No. 55 of 2022 dated 22.02.2022 registered for the
offence under Sections 379 of the Indian Penal Code.

The Truck bearing registration No. BR-06G-2961
which belongs to the informant is alleged to have been
stolen while the same was parked near the Dipak Petrol
Pump.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R., however, his



name transpired in this case on the basis of confessional statement of the co-accused, Sunny Kumar and remanded in the present case from Kotwa P.S. Case No. 86 of 2022 on 11.04.2022. He further submits that no incriminating article has been recovered from the possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Chief Judicial Magistrate, East Champaran in connection with Kotwa P.S. Case No. 55 of



2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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