

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21550 of 2024

Arising Out of PS. Case No.-481 Year-2023 Thana- SUGAULI District- East Champaran

Sunny Kumar Son of Upendra Tiwari Resident of Village- Chhapra Bahas,
P.S.- Sugauli, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii

For the Opposite Party/s : Mr.Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sugauli
PS Case No. 481 of 2023 instituted for the offences punishable
under Sections 399, 402, 414 of the Indian Penal Code and
Sections 25(1-b)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, two live cartridges, one
knife and a mobile were recovered from the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case on the basis of suspicion.
No incriminating articles have been recovered from the
conscious or constructive possession of the petitioner. He has



no concerned with the alleged seized motorcycle. It is next submitted that co-accused person already granted bail vide order dated 19.03.2024 passed in Cr. Misc. No. 15912 of 2024. Petitioner is in custody since 08.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order, it appears that petitioner has been made accused only on the basis of suspicion. There is no any independent witness of the seizure list accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after commitment of the case* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Sugauli PS Case No. 481 of 2023.

7. The trial Court is directed to conclude the proceeding of commitment within a period of one month.

(Ramesh Chand Malviya, J)

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