

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50727 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sukesh Kumar S/o Sankar Chaudhary @ Shnkar Chaudhari, R/o Village-
Dhekaha Bisunpur, P.S- Piprakothi, Distt.- East Champarn.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Muffasil P.S. Case No. 24 of 2023 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

3. While the informant was coming to his house on a
motorcycle, in the meantime, three persons boarded on a
motorcycle overtook the motorcycle of the informant and on the
point of pistol, looted away his motorcycle and other valuables.

4. Learned counsel for the petitioner contended that
the FIR has been instituted against unknown miscreants,
however, during the course of investigation, one of the co-



accused persons, namely, Guddu Sahani was apprehended and on the basis of his confession, the name of the petitioner has sprung up. The petitioner has been incarcerated since 07.03.2024 but till date neither the petitioner has been put on T.I. parade nor any incriminating material has been recovered showing complicity of the petitioner in the present crime. Moreover, barring the confession, which is hit by Section 25 of the Indian Evidence Act, there is no other material. It is also the contention of the petitioner that on being apprehended in this case, the petitioner has been remanded in other identical matters.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner is a habitual offender indulged in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has come on the confessional statement and barring the confessional statement, there is no other material, coupled with the fact that the petitioner has been incarcerated since 07.03.2024 and now the investigation of the crime is complete, let the petitioner, named above, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Muffasil P.S. Case No. 24 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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