

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62168 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- PARWALPUR District- Nalanda

Sunil Kumar @ Sanichara, Son of Ramyug Bind @ Ramuge Bind @
Ramugarh Bind @ Chhanguri Bind, R/O Vill.- Bhatbigha, Gaura, P.S.- Hilsa,
Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Anil Kumar Singh, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Parwalpur P.S. Case No. 31 of 2024
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on 10.03.2023, one person has booked CNG Auto of
the informant. In the way to the destination, the person who was
seated in the Auto allowed another person to sit and both of
them started assaulting the informant and took away the
valuables and fled away with the Auto.



4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against unknown miscreants and during the course of investigation the looted tempo was found in an open place in the village Milkipar. The police on the basis of tower location, apprehended the petitioner and thereafter got his confessional statement recorded. Save and except the aforesaid facts, there is no other material suggesting the complicity of the petitioner in the crime. Neither the petitioner has been put on Test Identification Parade nor the looted Auto or any valuable has been recovered from the possession of the petitioner, moreover, the petitioner is in custody since 30.04.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the impugned order clearly suggests that it is the petitioner, who kept the Auto in an open place and thereafter fled away and the tower location of the mobile of the petitioner was found at the place of crime and thus his involvement cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been incarcerated since 30.04.2024, but till date he has not been put on Test Identification parade, moreover, the alleged recovery of the Auto has been made from an open place, let the



petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Parwalpur P.S. Case No. 31 of 2024, 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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