

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21344 of 2025

Arising Out of PS. Case No.-596 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sunny Yadav S/o Suresh Rai @ Suresh Ray R/o Village-Kataha, ward no. 14,
P.S-Motihari Muffasil ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Ramchandra Sahn

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-05-2025 Heard the parties.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Muffasil P.S. Case No. 596 of 2023 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. This is the second attempt made on behalf of the petitioner as earlier the prayer for bail of the petitioner was negated by this Court vide order dated 10.01.2025 passed in Cr. Misc. No. 88852 of 2024 taking note of the fact that petitioner bears criminal antecedent.

4. Learned Advocate for the petitioner contended that since the prayer for bail of the petitioner came to be negated on the last occasion on merits and, as such, no submission is being made with respect to the merit of the case but the fact cannot be denied that the FIR has been instituted against unknown



miscreants and the petitioner has not been put on Test Identification Parade nor there is any recovery of incriminating material; however only on suspicion and past criminal antecedent the name of the petitioner has been implicated. It is next contended that be that as it may, while rejecting the prayer for bail of the petitioner, liberty was accorded to him to renew his prayer for bail after framing of charge. Referring to Annexure-4 to the application, it is further contended that now charges have been framed and the petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the observations made by this Court as also the fact that the charges have been framed as is evident from Annexure-4, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Motihari, East Champaran in connection with Trial No. 2525 of 2024 arising out of Muffasil P.S. Case No. 596 of 2023, subject to the condition that one of the bailors shall be the own/close family



members 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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