

In The Court of 11th Addl. Sessions Judge, East Champaran, Motihari.

Bail Petition No. -1692/2022

Suman Kumar Singh aged about 32 years S/o- Late Janardhan Singh, resident of village- Fultakiya, P.S.-Kesariya, District- East Champaran.

Bail Petition No. -2493/2022

Sunny Kumar, aged about 35 years, S/o- Vinod Prasad, resident of village- Chintamanpur, P.S.-Pipra, District- East Champaran.

.....**Petitioners.**

Versus

The State of Bihar.

.....**Opposite Party.**

(Arises out of Piprakothi P.S. Case No. 28/2022)

For the Petitioner :-

1.Sri Arvind Kumar, Advocate,

For the O.P./State :-

2.Sri Digvijay Narayan Sinha, P.P. I/C.

O R D E R

10.11.2022

1. The bail petition has been filed on behalf of the petitioners, namely, Suman Kumar Singh and Sunny Kumar who are in custody since 08.04.2022 in connection with Piprakothi P.S. Case No. 28/2022, registered U/ss 379 of the IPC.

Heard learned Counsels for the petitioner and learned Public Prosecutor I/C on behalf of the state and perused the case diary.

2. Learned Counsel for the petitioner submitted that no other bail petition has been filed before the Ld. Sessions Judge, Motihari or before the Hon'ble High Court, Patna. It is further submitted that petitioners are quite innocent and he committed no offence as alleged and have falsely been implicated in this case. Petitioner Suman Kumar has three criminal antecedent i.e. Kotwa P.S. Case No. 86/2022, 55/2022, Kesariya P.S. Case No. 236/2021 and Madhuban P.S. Case No. 65/2022 and petitioner Sunny Kumar has Chakia P.S. Case No. 341/2021 U/ss 379, 411/34 IPC, Kotwa P.S. Case No. 86/2022, u/ss 402, 413, 414, 467, 468, 471, 420, 379 of the IPC, Kotwa P.S. Case No. 55/2022, U/s 379 IPC , Muffasil P.S. Case No. 180/2022 and Madhuban P.S. Case No. 65/2022, U/s 379 of the IPC. It is further submitted that the F.I.R. has been lodged against unknown persons. Petitioner Sunny Kumar has been remanded in Kotwa P.S. Case No. 86/2022. Nothing incriminating have been

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recovered from the both petitioners. Petitioners are in Judicial custody since 08.04.2022. Accordingly, learned counsel for the petitioner prayed to release the petitioner on bail.

3. The learned Public Prosecutor I/C opposed the prayer for bail.

4. The prosecution case in brief as stated that in the night at 10:00 P.M. on 24.01.2022 the driver of the Truck bearing registration No. BR06G2154 parked the Truck on the door of Sk. Zaid and after locking the Truck, he went to his house to sleep, when he came next day morning at 5:00 A.M. he saw the said truck is not parked there. Then the driver informed the informant and the informant and the driver also searched the truck but it could not be found. Then the informant informed the Tata AIG insurance for the theft of Truck.

5. Heard and considered the submissions of the parties. On perusal of the case diary, I find that the witnesses have stated that Sunny Kumar alongwith 5-6 persons were seen, the night before the alleged occurrence roaming around the theft truck. In his confessional statement Sunnay Kumar in Kotwa P.S. Case No. 86/2022 which also relates to theft of a truck, has accepted the commission of theft of truck of this case alongwith Sumant Kumar Singh and others. Both the petitioners have been remanded from Kotwa P.S. Case No. 86/2022 and they have many criminal antecedent. The offences are u/ss 379 of the IPC for committing theft of trucks.

For the reasons stated above, I am not inclined to grant bail to the petitioners. Hence, the prayer for bail of the petitioners, namely, **Suman Kumar Singh and Sunny Kumar** are hereby **rejected**.

(Dictated)

Sd/-

11th Addl. Sessions Judge.
Dated:- 10-11-2022