

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17012 of 2017

Arising Out of PS.Case No. -177 Year- 2016 Thana -KURTHA District- JEHANABAD

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Sunil Kumar, Son of Ganesh Sharma, Resident of Village- Barahiya, P.S.-
Kurtha (Manikpur O.P.), District- Arwal.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma Sr. Advocate
Mr. L.K. Sharma, Advocate

For the informant : Mr. Rayishi Kumar Singh, Advocate

For the State : Mr. Sri Pancha Nand Pandit (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 05-05-2017 Heard learned counsel for the petitioner, the learned

counsel for the informant and learned counsel representing the

State.

The petitioner seeks bail in connection with Kurtha
P.S. Case No. 177 of 2016, registered for the offences punishable
under Sections 342, 323, 504, 506, 498A of the Indian Penal
Code, Section 27 of the Arms Act and Section 3/4 of D.P. Act.

Nilu Kumari was married with the petitioner and out
of wedlock there are three children. The husband/petitioner was
working in Haryana for last 10 years but for last 02 years when he
came to the house, he started demanding cash of Rs. 5 lacs to
construct the house at Jehanabad and for that he used to assault



and abused her and on 03.11.2016 assaulted after closing in a room and pointed out a pistol on her head and stating that if you will not bring the money, I will kill you, anyhow the informant went to police station and lodged this case.

Submission is of false implication and that marriage has taken place 23 years ago. The son is aged about 18 years and two daughters are aged about 14 and 16 years. The wife of the petitioner has come into the clutches of some criminals and she implicated the petitioner in Arms Act case. No injury has been caused to the informant and without any fault the petitioner is suffering in custody since 21.01.2017 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner was demanding Rs. 5 lacs and due to non-fulfillment, he tried to kill the informant.

In the facts and circumstances as stated above, considering that no injury has been caused to the informant and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Madhwendra Singh, learned Sub-Divisional Judicial Magistrate, Arwal, in connection



with Kurtha P.S. Case No. 177 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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