

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.885 of 2018

Arising Out of PS. Case No.-4 Year-2005 Thana- KHARAGPUR District- Munger

Sunil Kumar @ Sunil Das @ Barka Sunil @ Lambu, S/o Somar Manjhi, R/o Village- Ratdih, P.S.- Pirtanr, District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 12-09-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No.584 of 2005, arising out of Kharagpur P.S. Case No.04 of 2005, registered under Sections 302, 307, 323, 324, 427 and 379/34 of the Indian Penal Code besides Section 27 of the Arms Act, Sections 3/4 of the Explosive Substance Act and Section 17 of the C.L.A. Act.

Learned counsel appearing on behalf of the petitioner submits that vide order dated 12.04.2010 passed in Criminal Misc. No.10595 of 2010 by a Bench of this Court, the petitioner was granted bail in connection with the aforesaid case, subject to the conditions (i) that one of the bailors will be a close relative of the petitioner, who will give an affidavit, giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish



information to the court about any change in the address of the petitioner, (ii) that the affidavit shall clearly states that the petitioner is not an accused in any other case and if he is, he shall not be released on bail, (iii) that the bailor shall also state on affidavit that he will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and, thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse, (iv) that the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse and (v) that the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled. The fact that the petitioner has no criminal antecedents will be verified by the Magistrate concerned before releasing the petitioner on bail.

Since the petitioner was accused in seven other cases, as detailed in paragraph-2 to the supplementary affidavit filed on behalf of the petitioner on 07.09.2018, the petitioner could not furnish his bail bond for his release on bail. The petitioner, in the present case, is in custody since 03.01.2009 and he is on bail in all the seven cases, as detailed in paragraph-2 to the supplementary affidavit filed on behalf of the petitioner on 07.09.2018.



Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Munger, in connection with Sessions Trial No.584 of 2005, arising out of Kharagpur P.S. Case No.04 of 2005, subject to the conditions that one of the bailors will be a close relative of the petitioner, who will give an affidavit, giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the court about any change in the address of the petitioner. The petitioner will give an undertaking that he will be represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Rajendra Kumar Mishra, J)

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