

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1583 of 2020

Arising Out of PS. Case No.-434 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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SUNIL KUMAR @ SUNIL RAI Son of Mahendra Rai @ Prabhu Rai @
Mahendra Kumar Yadav Resident of Village - Kanti Kasba, Ward No. 4, P.S.-
Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 23-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Section 307/34 of the Indian Penal Code, 1860 and
Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Surendra Rai
recorded by S.I., Ajay Kumar Paswan, Kanti Police Station on
14.06.2019 at 07.00 P.M., in I.C.U. of Maa Janki Hospital,
Muzaffarpur is to the effect that on 13.06.2019, the informant
along with his friend namely Uma Prasad Yadav, on a



motorcycle went to village Lahdadpur to attend a marriage ceremony. Thereafter, they went to village Balha in the house of Umesh Rai whose grand-daughter was to marry and after attending the marriage ceremony, when the informant along with his friend were returning to his house, on the way, he found two persons on a motorcycle were chasing them. Subsequently, they fired which hit on the back of the pillion rider, Uma Rai. Though the informant tried to escape from the scene, but accused person again after chasing him fired which hit on the shoulder of the informant. Thereafter, the informant came to Primary Health Centre Kanti from where, he was referred to S.K.M.CH., leading to registration of the FIR against unknown. During course of investigation, the name of the petitioner sprang up on the statement of co-accused, Vikash Kumar.

It is submitted by learned counsel for the petitioner that nothing has been recovery from the possession of the petitioner. The petitioner has not been put on Test Identification Parade. The name of the petitioner sprang up on the confession of the co-accused, Vikash Kumar, who has been granted bail by a Co-ordinate bench of this Court vide order dated 26.02.2020 passed in Criminal Miscellaneous No. 4706 of 2020 whereas other co-accused, Santosh Kumar, has been granted bail vide order dated



10.06.2020 passed in Criminal Miscellaneous No. 12932 of 2020. The petitioner is languishing in custody since 26.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused, Vikash Kumar. It is specifically stated that two persons, including the petitioner, resorted to fire.

Considering the fact that the name of the petitioner sprang up on the confession of Co-accused, Vikahs Kumar, who has been granted bail by a co-ordinate bench of this Court, the case diary does not contain any injury report, the investigation already being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of learned SDJM (West), Muzaffarpur, in connection with Kanti P.S. Case No. 434 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to



become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned SDJM (West), Muzaffarpur, in connection with Kanti P.S. Case No. 434 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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