

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16168 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- SULTANGANJ District- Bhagalpur

Sunny Kumar, S/o Ramdhani Yadav Resident of Village-Thana Road
Sultanganj Bypass, P.S.-Sultanganj, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 22.12.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 147, 148, 149, 448, 325, 307 and 506 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Dayawati Devi, submitted to the S.H.O., Sultanganj Police Station is to the effect that on 10.06.2019 at 8.15 P.M., all the FIR named accused persons including the petitioner and 5-6 unknown persons came on a car and three motorcycles when it



is alleged that on the order of co-accused Neelam Devi, co-accused Ramdhani Yadav resorted to fire causing injury on the abdomen of Pradeep Yadav, whereas the petitioner resorted to fire on the informant, but it did not hit anyone.

It is submitted by learned counsel for the petitioner that from the FIR, it appears that the petitioner did not cause any injury to anyone and in the background of political rivalry, the accusation has been levelled against the petitioner. Moreover, investigation has already been concluded and co-accused Ram Dhani Yadav, who caused firearm injury to Pradeep Kumar Yadav, has been granted bail by a Co-ordinate bench of this Court, vide order dated 03.06.2020, passed in Cr. Misc. No. 69779 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in four other cases, out of which, in one case, he has been acquitted and in other cases, he is on bail.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that main assailant has been granted bail by a Co-ordinate bench of this Court, investigation has already been concluded and the period under custody, 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 the learned ACJM-I, Bhagalpur, in connection with Sultanganj P.S. Case No. 129 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 learned ACJM-I, Bhagalpur, in connection with Sultanganj P.S. Case No. 129 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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