

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25455 of 2021

Arising Out of PS. Case No.-454 Year-2020 Thana- ATRI District- Gaya

Sunil Kumar @ Binod Son Of Mishri Yadav R/O Village- Dhoukal Bigha,
P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, sr. Adv. Mr. Sheo Kumar Prasad, Adv. Mr. Pratik Kumar, Adv.
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner seeks bail in connection with Atri P.S. Case
No.454 of 2020, registered for the offence punishable under
Sections 341,323,365,511,379,343,504,506/34 of the IPC and
25(1-b) of the Arms Act.

Prosecution case in brief, is that petitioner along with
other accused persons tied the informant with the palm tree and
the petitioner assaulted him with the butt of pistol on his mouth
as a result of which bleeding started. Accused persons snatched
five thousand rupees from the informant and other documents. It
has further been alleged that they wanted to kidnap with an



intention to kill him, however, Police came on the spot and untied the informant from the tree and prepared seizure list. The petitioner was apprehended while he along with other co-accused were fleeing.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has one criminal antecedent for offence registered under Section 37(3) of Bihar Prohibition and Excise Act, 2016 as amended in connection with Atri P.S. Case No.455/2020, which has been lodged subsequently to the present case. Learned counsel appearing on behalf of the petitioner further submits that some altercation took place for demand of money to repair the respective vehicle which had collided with each other. It has further been submitted that no firearm has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has not committed any offence as alleged in the FIR.

Learned counsel appearing on behalf of the State, however, vehemently opposed the prayer for bail.

Considering the above-mentioned facts and circumstances and the nature of allegation, nothing incriminating article having recovered from the conscious possession of the petitioner, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., IIIrd-cum-Sub-Judge, Gaya in connection with Atri P.S. Case No.454 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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