

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31710 of 2020

Arising Out of PS Case No.-2 Year-2020 Thana- BARAUNI District- Begusarai

Sunil Kumar Sah, Male aged about 45 years, Son of Ram Chalitra Sah,
Resident of Village - Ninga, PS- Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Mukherjee, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-03-2021

Heard Mr. Ajay Kumar Mukherjee, learned counsel for the petitioner; Mr. Umesh Lal Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Ajay Kumar Tiwary, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Barauni PS Case No. 02 of 2020 dated 01.01.2020, instituted under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner and others is that they had threatened to kill the son of the informant a week back in the background of him having love affairs with the daughter of



another co-accused who was also later married and thereafter the dead body was recovered disclosing gunshot injury.

4. Learned counsel for the petitioner submitted that he has no role in the rivalry between the two families and because his land is situated next to the land of the father of the maternal nephew of the informant and he acted as middleman in fixing the marriage of the girl, he has been made accused. It was submitted that during investigation also, except for bald statement that all the accused including the petitioner were involved in conspiracy, nothing specific has come against him. It was submitted that the petitioner who is not related to the girl cannot be expected to plan and commit murder for the sake of others knowing fully well that he is risking his entire life and career. Learned counsel submitted that the petitioner does not have any criminal antecedent. Learned counsel submitted that one co-accused i.e., the mother of the girl namely Ahiliya Devi has been granted anticipatory bail by a co-ordinate Bench by order dated 03.12.2020 passed in Cr. Misc. No. 26302 of 2020.

5. Learned APP, from the case diary, submitted that there is allegation that the petitioner also had come and threatened to kill the son of the informant whose body was later found with gunshot injury and that he was involved in the conspiracy.



However, he could not controvert that nothing specific has come during investigation with regard to the role of the petitioner.

6. Learned counsel for the informant submitted that the petitioner is said to be one of the persons who had come to the house of the informant and threatened to kill his son.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/Successor Court, Begusarai in Barauni PS Case No. 02 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and he shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to



the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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