

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14994 of 2022

Arising Out of PS. Case No.-863 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Sunil Kumar Agrawal, Son of Late Kanhaiyalal Agrawal Resident of Village -
Jawahar Chowk, Bihariganj, P.S.- Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 12-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Saharsa (Sadar) P.S. Case No. 863 of 2021, registered for

the offences punishable under Sections 307, 302, 120B,

506, 34 of the Indian Penal Code and Section 24 of the

Arms Act.

As per allegation, FIR was lodged by one Sanjit

Kumar Agrawal, who was injured and later on died in course

of his treatment, as per which, two unknown persons shot at

him with intent to kill him. The aforesaid two attackers after

assaulting him fled away from the place of occurrence



stating that now work of Sunil Kumar Agrawal is done. Having got injured, the informant was rushed to nursing home for treatment. It is further alleged in the FIR that main conspirator of the alleged offence is his (informant's) elder brother Sunil Kumar Agrawal, who is petitioner herein, for grabbing his property. There is also history of litigations between them. It is also alleged that wife of Sunil Kumar Agarwal was also extending threat to him for his murder. He further alleged that accused Sunil Kumar Agarwal has hired two assailants to take life of the victim.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case, only on the basis of suspicion. He further submits that at the time of alleged occurrence, he was in jail and there is no concrete evidence to show the complicity of the accused-petitioner by way of hatching conspiracy in jail. He also stresses the fact that no one can possess any mobile in jail and as such there was no occasion for the accused-petitioner to communicate the assailants to get the victim killed. He further submits that even after completion of the



investigation, there is no material to show that there was conspiracy hatched by the accused-petitioner with the assailants and he has been languishing in jail since 22.11.2022. He further submits that investigation is complete and charge-sheet has already been submitted. He also submits that there can be no motive of the petitioner at all for killing the victim and the alleged motive of grabbing the property of the deceased by eliminating him is baseless in view of the fact that there are many legal heirs to the deceased.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in two more cases, namely, Saharsa Sadar P.S. Case No. 125 of 2019 and Saharsa Sadar P.S. Case No. 30 of 2021.

However, Ld. AAP for State and Mr. S.D. Sanjay Ld. Senior counsel for the informant vehemently oppose the prayer for bail submitting that police has got confessional



statement of one of the assailants, namely, Ankit Anand @ Niku, as per which he at the instance of Sunil Kumar Agarwal, who was in jail, having contacted with other inmates, namely, Abhijeet Singh and Abhay Singh, who were friends of this assailant, attacked Sanjit Kumar Agrawal after getting heavy amount and getting arms and ammunitions made available by Abhijeet Kumar Singh and Abhay Kumar Singh. He further submits that it is stated in the confessional statement that after completion of the attack, wife of Sunil Kumar Agrawal, namely, Sangeeta Agrawal @ Shabnam assured him to give the said amount. He further points out that the police during investigation has also collected CDR, in which there is proof of talk between the assailant Ankit Anand and said Abhijeet Kumar Singh and Abhay Kumar Singh as well as Sangeeta Agrawal @ Shabnam, wife of Sunil Kumar Agrawal. He also submits that there is strong motive for elimination of the alleged victim by accused-petitioner, Sunil Kumar Agrawal and this motive was to grab the property of the deceased.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Saharsa in connection with Saharsa (Sadar) P.S. Case No. 863 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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