

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20401 of 2022

Arising Out of PS. Case No.-437 Year-2019 Thana- SAHPUR District- Patna

Sunil Rai @ Sunil Kumar, Son of Sahdev Rai, Resident Of Village-Daudpur,
Ward No- 1, P.S.- Shahpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with S.T.
No.03 of 2021 arising out of Shahpur P.S. Case No.437of 2019
registered for the offence punishable under Sections 302/201
and 34 of the Indian Penal Code.

The petitioner had earlier approached this Court for
grant of bail in Cr.Misc. No.13092 of 2021, which was rejected
by order dated 09.08.2021.

There is allegation against the petitioner that he has
caused death of his brother by multiple stab injuries.

The counsel for the petitioner submits that the
petitioner's implication is based on family dispute. The
petitioner has remained in custody since 02.11.2019 and he has



no criminal antecedents. It is also submitted that there is no progress at the trial.

The report dated 06.07.2022 received from the Trial Court suggests that till date no witnesses have been examined at the trial.

It is the submission of the petitioner's counsel that the petitioner has been falsely implicated based on family dispute. It must be considered keeping in background the fact that not a single witness has turned up in support of the allegations at the trial.

Having regard to the period of custody, no progress at the trial and clean antecedents of the petitioner, as per statement made in paragraph 3 of the petition, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-V, Danapur, Patna, in connection with S.T. No.03 of 2021 arising out of Shahpur P.S. Case No.437 of 2019, subject to the



following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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