

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21494 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Sunil Kumar @ Sunil Kushwaha, Son of Sohindra Bhagat Resident of Village
- Bhandari, P.S.- Belsand, Distt.- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

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

The petitioner is in judicial custody in connection with
Runnisaidpur P.S. Case No.162/2021 instituted under Sections 394,
412 and 414 of the Indian Penal Code.

The allegation in the FIR is that when the informant was
returning home from his shop, the accused persons overtook his
motorcycle and demanded money. Upon protest, it is alleged that the
accused opened fire causing injury to him as a result whereof he
became unconscious. When he regained consciousness, he found
himself in the hospital and realized that he has been looted of
Rs.22,000/- as also his daily earning of Rs.5000/-. Accordingly, the
FIR came to be instituted.

Learned counsel for the petitioner submits that the case is



of 02.03.2021 whereas the FIR was lodged on 12.03.2021. No reason for the said inordinate delay has been explained in the FIR casting aspersion on the prosecution story. He further submits that although the petitioner has been remanded in this case on 13.12.2021, no T.I. Parade has been done. He lastly submits that two of the similar situate co-accused namely Ankit Jha @ Ankit Kumar and Ravi Rauniyar @ Ravi Kumar @ Amrendra Kumar have since been enlarged on bail by co-ordinate Benches of this Court vide Cr. Misc. No.49108/2021 (disposed of on 17.12.2021) and Cr. Misc. No.62451/2021 (disposed of on 13.04.2022) respectively.

Taking into account the aforesaid averment made by the counsel for the petitioner, considering the delay in the lodging of the FIR as also that charge-sheet stands submitted, is in custody since 13.12.2021 (as stated in para-12 of the bail application) and fact that some other co-accuseds as stated above have been enlarged on bail, this Court is inclined to release the petitioner on bail but with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Runnisaidpur P.S. Case No.162/2021 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona



fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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