

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23329 of 2022

Arising Out of PS. Case No.-43 Year-2017 Thana- CHANDRADIP District- Jamui

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Sunil Sharma @ Sunil Kumar @ Sunil Mistri Son Of Sadhu Mistri R/O
Village- Koli, P.S.- Halsi, District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chandradeep P.S. Case No. 43 of 2017 lodged under Sections
302/34 of the Indian Penal Code read with Section 27 of the
Arms Act.

The prosecution story is that, the informant
categorically disclosed that his father was working as Halka
Karamchari at Anchal Office, Islam Nagar, Aliganj. He was on
duty, then at about 4.30 p.m., a girl namely Sangita Kumari
visited with accused Nitish Kumar, Upendra Yadav and Kuldeep
Yadav and ordered to fire on the informant's father, on which

Upendra Yadav and Nitish Kumar @ Pintu have fired on the head of the father of the informant. In result, the father of the informant died on the spot, thereafter, the present case has been lodged.

Learned counsel for the petitioner submits that F.I.R. has been filed against known accused persons. There is specific allegation against the accused persons which are named in the F.I.R. He further submits that petitioner is not named in the F.I.R., his name has figured in this criminal case by virtue of disclosure of one co-accused namely Ranjay Kumar. He further submits that petitioner is in custody since 17.02.2022 in this case. He further submits that the petitioner is accused in two criminal cases, out of two, he is on bail and in one case and in another case he is pursuing bail. He submits that the person who disclosed his name has already been granted bail by the Co-ordinate Bench of this Court vide order dated 10.01.2018 in Cr. Misc. No. 58926 of 2017. He further submits that the other co-accused persons namely Kamlesh Yadav, Sangeeta Kumari and Kuldeep Yadav were also granted bail by the Co-ordinate Bench of this Court vide order dated 22.01.2019, 31.10.2018 and 15.01.2018 passed in Cr. Misc. No. 823 of 2019, Cr. Misc. No. 56556 of 2018 and Cr. Misc. No. 59315 of 2017 respectively.

On the point of criminal antecedent learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions laid down by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -Ist, Jamui, in connection with Chandradeep P.S. Case No. 43 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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