

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28804 of 2022

Arising Out of PS. Case No.-1133 Year-2019 Thana- NAGAR District- Vaishali

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Sunil Kumar @ Sunil Sahni @ Sunil Thikedar Son of Shiv Nath Sahni
Resident of Village - Nakhash Chowk Pathar Maszid, P.S.- Hajipur Sadar,
District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant has alleged on 23.12.2019 when his husband was going to court on E-rickshaw from his house, two miscreants fired the gunshot and fled away. Thereafter, his husband was taken to Sadar Hospital, where he was declared dead by the the doctor.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused Lalu Sahni @ Chhote Sarkar. He further submits that except the confessional statement of co-accused nothing has come during investigation against the petitioner. He further submits that similarly situated co-accused Lalu Sahni @ Chhote Sarkar has been granted bail by this Court vide order dated 27.07.2022 in Cr. Misc. No. 8321 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.12.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Town P.S. Case No. 1133 of



2019, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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