

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30890 of 2022**

Arising Out of PS. Case No.-316 Year-2017 Thana- BAUNSI District- Banka

Sunil Yadav @ Sunil Kumar Yadav Son Of Jamun Yadav @ Jamun Mahto
R/O- Village- Budwatari, P.S.- Saraiyahat District- Dumka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code and Sections 25(1-b)A, 26/35 of Arms Act.

According to prosecution case, in short is that as per
F.I.R. On getting secret information that 8-10 criminals have
assembled near Bisanpur Pahari and are planning to commit
offence, the police alongwith raiding party reached there then by
watching police vehicle, the criminals started fleeing away but
the police party chased and arrested five criminals and rest



succeeded in fleeing away and arrested criminals disclosed their name as 1. Mukesh yadav, 2. Mritunjay Yadav, 3. Ramroop Yadav, 4. Chhotu Kumar 2 Sunil Kumar and 5. Ramjee Kumar yadav and also confessed their guilty and in the course of search one loaded country made pistol from the left side of waist of accused Mukesh Kr. Yadav and one Samsung Mobile and Cash Rs, 10,000/- and from the right pocket of accused Ramroop Yadav one .315 live cartridge and cash Rs. 5,000/- and from the right pocket of paint .315 bore live cartridge and cash Rs. 5,000/- from the accused Ramjee Yadav and from the right pocket of paint one knife and Cash Rs. 6,500/- from the possession of accused Chhotu Kumar @ Sunil was recovered and on demand they failed to show any valid documents regarding arms and communications. It is further alleged that in confession Mirtunjay Kumar Yadav disclosed that they are involved in many types of offence of loot and robbery and also disclosed the name of the petitioner, who was involved in this occurrence and seeing the police vehicle succeeded in fleeing away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits



that the name of the petitioner has been transpired on the basis of disclosure made by the apprehended accused persons. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Tiklu Yadav @ Lakshman Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 06.10.2018 passed in Cr. Misc. No. 59826 of 2018 and another co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 06.10.2018 passed in Cr. Misc. No. 61409 of 2018. The petitioner is in custody since 08.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Bounsi P.S. Case No. 316 of 2017, subject to the following conditions:-



1. **One of the bailor should be father of the petitioner.**

2. 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.

3. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. 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 antecedent, 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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