

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41366 of 2022

Arising Out of PS. Case No.-214 Year-2018 Thana- VAISHALI District- Vaishali

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SANNI KUMAR Son of Golindra Paswan @ Gulindra Paswan Resident of
Village - Amritpur, P.s.- Vaishali, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Chandra

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Learned counsel for the petitioner is permitted to

make necessary correction in para 13 of the bail petition.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Vaishali P.S. Case No. 214 of 2018 registered for the offences

punishable under Section 307 and 393 of the IPC and Section 27

of the Arms Act.

As per prosecution case, informant sustained fire

arm injury by unknown miscreants. FIR has been lodged against

four unknown persons.

Learned counsel for the petitioner submits that



petitioner is not named in FIR. His name has been transpired upon the confessional statement of co-accused, Vivek Kumar. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of present petitioner with the alleged occurrence. He further submits that petitioner is in custody since 10.05.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner and there is no direct allegation attributed against the petitioner. He further submits that co-accused Rinku Paswan has already been granted bail vide Cr. Misc. No 11396 of 2022 by the co-ordinate bench of this court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by co-ordinate bench, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both



sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 214 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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