

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45710 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- DARIYAPUR District- Saran

SANI KUMAR @ SUNNY KUMAR Son of Kirit Nat @ Kriya Nat Resident
of Mohalla - Jagjivan Nagar, Under Chitkohra Bridge, P.s.- Sachiwalaya,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Sessions
Trial No.200/2022 arising out of Dariyapur P.S. Case No.
74/2022 registered for the offences punishable under Sections
399, 402 and 420 of the Indian Penal Code and Sections 25(1-
b)A, 26 and 35 of the Arms Act.

As per prosecution case, the informant alongwith
police official apprehended six persons including the petitioner
from the Scorpio vehicle. It is alleged that one country made
pistol alongwith one live cartridge has been recovered from the



possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 09.02.2022 and bears criminal antecedent of two cases which is not similar to the present case. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concern either with the apprehended persons, seized arms or the Scorpio vehicle, therefore, no offence is made out against the present petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has already been submitted in this 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge-VIII, Saran, Chapra in connection with Sessions Trial No.200/2022 arising out of Dariyapur P.S. Case No. 74/2022, 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)

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