

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49716 of 2022

Arising Out of PS. Case No.-501 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SUNIL KUMAR GUPTA @ DABLU Son of Basudeo Narayan Gupta @
Vasudeo Narayan Gupta Resident of village - Subhash Nagar, Road No.- 09,
P.S.- Sadar, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep Mr. Prabhat Kumar Singh Mr. Satyendra Kumar
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-11-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 07 of 2021, arising out of Sadar Police
Station Case No. 501 of 2019, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
29.03.2022, passed in Criminal Misc. No. 33584 of 2021, giving
liberty to the petitioner to renew his prayer for bail after four
months from the date of the order, if the trial does not record
any substantial progress.



The allegation, as per the First Information Report, is that the petitioner, along with other accused persons, arrived at the house of informant and started abusing and assaulting his father by the butt of the pistol due to which, his father died.

Learned Senior Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 29.03.2022. He further submits that the petitioner is in custody since 16.09.2020, having no criminal antecedent and the allegation of assault is against four named accused persons, along with four unknown persons. He next submits that co-accused persons, namely, Vijay Rai @ Dilip Rai (by order, dated 13.04.2022, passed in Criminal Misc. No. 18629 of 2022) and Vivek Kumar (by order, dated 26.05.2022, passed in Criminal Misc. No. 14451 of 2022), have been granted regular bail by this Court.

This Court, vide order, dated 21.09.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 18th Additional Sessions Judge, Muzaffarpur, and from perusal of the same, it appears that out of 14 chargesheeted witnesses, 08 have been examined and 06 are yet to be examined.



After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 16.09.2020, having no criminal antecedent, similarly situated co-accused persons have been granted bail by this Court and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 18th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 07 of 2021, arising out of Sadar Police Station Case No. 501 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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