

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66216 of 2021**

Arising Out of PS. Case No.-388 Year-2021 Thana- SAKRA District- Muzaffarpur

Sunil Kumar Prasad Son of Yogendra Mahato Resident of Village - Dubaha,
P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey
For the Opposite Party/s : Mr. Lalan Kumar

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

2 22-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, one Surendar Prasad gave a written report to the S.H.O. of Sakra police station alleging therein that on 30.07.2021 in the morning, he went out for morning walk and when he reached near a pond the co-accused Ajay Kumar and Sunil Kumar Prasad (petitioner) and



other two unknown person surrounded him and co-accused Ajay Kumar took out pistol and put on his temple and said to snatched everything from him and also to kill him and throw him into the pond. It has been further stated that in his written report that out of fears, he did not make any noise and in the mean time, the petitioner Sunil Kumar Prasad snatched a gold chain valuing about Rs.75,000/- and also Ra.700 from his pocket and another co-accused Ajay Kumar asked to kill him and throw into the pond but in the meantime the villagers reached there and tried to catch them but the co-accused Ajay Kumar fired in the air from the pistol and they all fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the wife of the petitioner had filed a complaint petition bearing Complaint Case No. 1715 of 2021 against the informant and others and due to that the present case has been filed by the informant against the petitioner. He further submits that it appears that the date of occurrence as alleged in the F.I.R. is 30.07.2021 but the present F.I.R. has been lodged on 03.08.2021 after the filing of the complaint petition filed by the wife of the petitioner against the informant. He further submits that in fact



the petitioner and informant are Gotiya and there is land dispute between the parties. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Sakra P.S. Case No. 388 of 2021, subject to 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 witnesses, 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 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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