

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6136 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- GOPALPUR District- Patna

SUNNY KUMAR Son of Late Jai Ram Yadav R/V- Simli Sahadra, P.s-
Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate Mr. Manoj Kumar, Advocate Mr. Manish Kumar, Advocate Mr. Praveen Kumar, Advocate
For the Opposite Party/s :		Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.05.2022 in connection with Gupalpur P.S. Case No. 34 of
2021, F.I.R. dated 25.01.2021 for the offences punishable under
Sections 302, 201, 120(B) of the Indian Penal Code.

According to prosecution case, as per written report of
the informant stating therein that on 24.01.2021 at about 5 P.M.
the present Mukhiya of Karnpura Bairiya Panchayat Ramnath
Yadav and his cashier Sanni Kumar has taken away/snatched
mobile from his deceased son Ravikant. At about 7 P.M. Sanni,
the cashier of Ramnath Mukhiya has called his nephew to return



his mobile, when Ravikant (deceased) alongwith his nephew reached bariya bridge by motorcycle then Ramnath Mukhiya and his cashier both taken away the Ravikant on his motorcycle towards Manpur Bairiya. The nephew Sanni waited there a lot for Ravikant. When he did not return, nephew called them on their mobile, but the mobiles were switched off. Then he told us all at home we searched Ravikant whole night but did not trace him. On 25.01.2021 at about 6:30 A.M. nephew Sanni Kumar went to Mukhiya's office for searching and asked the maid Puja about the Ravikant she told that she doe not know. When Pooja entered into office after opening the door/shutter she suddenly came out crying, then he (nephew) shaw the dead body of Ravikant lying on the ground in the rook beside the chamber of Mukhiya then nephew Sahni has informed us immediately at home, we shaw the dead body there it appears from the dead body, Ramnath Mukhiya and his cashier Sanni Kumar with others have killed the son of the informant by bricks stone.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to dirty village politics and being a employee of the present Mukhiya. He further submits that the informant is not the eye witness of the alleged



occurrence and only on the basis of suspicion the name of the petitioner has falsely been implicated in the present case. He further submits that no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence even the CDR not connect the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.05.2022.

The learned Additional Public Prosecutor for the State 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 Chief Judicial Magistrate, Patna in connection with Gupalpur P.S. Case No. 34 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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