

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13884 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- BARAUNI District- Begusarai

SUNNY KUMAR @ SUNNI KUMAR @ RAJESH KUMAR @ SANNY KUMAR S/O ASHOK SAH @ ASHOK SAO R/v- Bihat, Jagir Tola, Ward No. 24, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-03-2023 Heard the parties.

The petitioner is in custody in connection with Barauni P.S. Case No. 58 of 2021 dated 03rd February, 2021 registered under Sections 399, 402, 412 of the Indian Penal Code and Sections 25(1-B) (a), 26 and 35 of the Arms Act.

As per the prosecution story, in course of patrolling, they chased and nabbed accused persons including the petitioner herein. Upon search, number of stolen articles were recovered from their respective possession. So far as the petitioner is concerned, one stolen motorcycle, mobile, country made pistol and live cartridges were recovered from his possession. A seizure list was prepared and he was taken into judicial custody after he failed to produce the documents relating to the articles



that were recovered from his possession.

This is a classic example of the petitioner coming into his own net inasmuch as in earlier bail application in paragraph 3, it was stated that he do not have criminal antecedent and accordingly that was one of the criteria for grant of bail. However, since the fact was recorded in the order sheet, he failed to come out because of the fact that he had three criminal antecedents under his belt including this case. Now, once the Court caught hold of him, he has come out with paragraph 3 according to which the criminal cases instituted against him have been recorded.

Taking into account the fact that due to false affidavit, he has already suffered inasmuch as despite the bail order of 06.04.2022, he failed to come out, this Court is inclined to extend him privilege of bail cautioning him to be careful in future.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-II, Begusarai in connection with Barauni P.S. Case No. 58 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave the district (Begusarai) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vii) the petitioner shall cooperate in the investigation



and make himself available to the police as and when required.

Since, earlier he gave a false affidavit, Rs. 10,000/- is imposed as fine which will be paid to the Patna High Court Legal Services Committee.

(Rajiv Roy, J)

Jagdish/Kiran-

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