

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20065 of 2023**

Arising Out of PS. Case No.-202 Year-2022 Thana- KALYANPUR District- Samastipur

Sunni Rai @ Sunny Kumar Son of Late Suresh Rai Resident of village - Sone Lal Dhala (Aslanchak Jitwarpur Nizamat), P.S.- Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vishwanath Prasad Sinha, Senior Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

4      12-10-2023                      Heard Mr. Vishwanath Prasad Sinha, learned senior counsel for the petitioner and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 202 of 2022, F.I.R. dated 26.06.2022 for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, due to some business dispute, all the accused persons including the petitioner have murdered the brother of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that as per the allegation in the F.I.R that due to land dispute the petitioner has been implicated in the present case. He further submits that there is no dispute between the parties and the deceased. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the petitioner and the deceased were in the same business so there might be some business rivalry and due to this reason the petitioner has been implicated in the present false and fabricated case. He further submits that except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and it has come during investigation in paragraph no. 124 of the case diary that the CDR location of the petitioner was found at New Delhi which suggests that the petitioner was not present on the said date and at the place of occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the



petitioner is on bail in two cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Samastipur in connection with Kalyanpur P.S. Case No. 202 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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