

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22591 of 2022

Arising Out of PS. Case No.-394 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

SANU KUMAR SON OF RAJ KUMAR PRASUN R/O MOHALLA- AT
PRESENT, TAMPLE ROAD BARARI, P.S.- BARARI, DISTRICT-
BHAGALPUR, PERMANENT ADDRESS- R/O VILLAGE- GORADIH,
P.S.- RAJOUN, DISTRICT- BANKA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey

For the Opposite Party/s : Mr.Pranav Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 16-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No.
441/2021 arising out of Kotwali (Barari) P.S. Case No. 394/2020
registered for the offences punishable under Sections 341 &
307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, on 19.07.2020 the informant
has alleged that unknown persons made gun firing against him and
same hit the gate of roof and both miscreants ran away on a
motorcycle.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case on suspicion. The petitioner is not named in the FIR, during course of investigation in the re-statement of the informant as disclosed the name of petitioner which is just afterthought. Nothing has been recovered from the conscious possession of the petitioner. During the narration of FIR, the informant himself has not stated that anyone has seen the petitioner at the place of occurrence. The police has been intentionally implicated the petitioner in this case due to his criminal antecedent. The petitioner is languishing in custody since 21.07.2020 but in 2nd paragraph of the impugned order it is wrongly mentioned that the petitioner is languishing in custody since 21.07.2022 which is an error of typing. The petitioner bears criminal antecedent of four cases out of which in one case he has been acquitted. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has four criminal antecedents.

Considering the facts and circumstances of the case, period of custody which is more than two years and six months, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional District and Sessions Judge, Bahgalpur in connection with S.T. No. 441/2021 arising out of Kotwali (Barari) P.S. Case No. 394/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

