

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24746 of 2023

Arising Out of PS. Case No.-271 Year-2019 Thana- KURSAKANTA District- Araria

SUNIL KUMAR SAH S/o- LATE RAM LAL SAH Village- Kursakanta Ward
no-10, Po- Kursakanta Ps- Kursakanta Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kursakanta
P.S. Case No.271/2019, registered for the offence punishable u/s
302 of the Indian Penal Code.

Earlier twice, the prayer for regular bail of the petitioner
vide Cr. Misc. No.3696/2021 and Cr. Misc. No.17618/2022
were rejected by this Court. On 11.05.2022, while rejecting Cr.
Misc. No.17618 of 2022, observation was given that petitioner
may renew his bail prayer after 9 months.

The petitioner has now filed this application seeking his
regular bail.

It is submitted by learned counsel for the petitioner that
out of 14 charge sheet witnesses, only seven witnesses have



been examined till date, which is also clear from the impugned order itself and petitioner is in custody since 21.10.2019. It is further contended that there is no likelihood of the trial to be taken up in near future and the petitioner has completed more than three years of custody.

Learned APP for the State opposed the prayer for bail.

Considering the period of custody of petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IIInd, Araria, in connection with Kursakanta P.S. Case No.271/2019, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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